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THE

HISTORY

OF THE

BRITISH EMPIRE IN INDIA.

36859

BY

EDWARD THORNTON, Esq.,

AUTHOR OF "INDIA, ITS STATE AND PROSPECTS," &c. &c.

VOLUME II.

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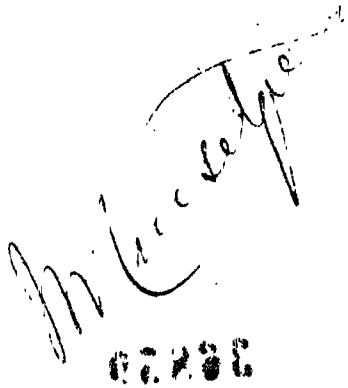

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CONTENTS

OF

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CHAPTER VIII.

Dividends of the East-India Company—Bill brought into Parliament for regulating them—Company petition against it—Singular Debate in Court of Proprietors—Bill passed through both Houses—Protest against it signed by nineteen Peers—Admission of the Crown to a participation in the Profits of the Company—Act for limiting Company's Dividends renewed—Agreement for five years effected between the Government and the Company—New extraordinary Commissioners depart for Bengal—Perish at Sea—Disgraceful conduct of Ministers in secretly granting to Sir John Lindsay a Royal Commission, conferring enlarged powers—Its secret history traced to the arrival of Mr. Macpherson in England, as the Agent of the Nabob of Arcot—His interviews with the Duke of Grafton—The Directors remonstrate, and Sir Robert Harland appointed to succeed Sir John Lindsay—Hostilities between Government of Madras and Tanjore, arising out of disputes between the Rajah of that country and Mahomet Ali; terminate in the surrender by the Rajah of a Fortress and two Districts—Disputes between Madras Government and Sir Robert Harland—Abrupt departure of the latter—restoration of Sir Robert Fletcher, and his appointment

CONTENTS

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Dividends of the East-India Company—Bill brought into Parliament for regulating them—Company petition against it—Singular Debate in Court of Proprietors—Bill passed through both Houses—Protest against it signed by nineteen Peers—Admission of the Crown to a participation in the Profits of the Company—Act for limiting Company's Dividends renewed—Agreement for five years effected between the Government and the Company—New extraordinary Commissioners depart for Bengal—Perish at Sea—Disgraceful conduct of Ministers in secretly granting to Sir John Lindsay a Royal Commission, conferring enlarged powers—Its secret history traced to the arrival of Mr. Macpherson in England, as the Agent of the Nabob of Arcot—His interviews with the Duke of Grafton—The Directors remonstrate, and Sir Robert Harland appointed to succeed Sir John Lindsay—Hostilities between Government of Madras and Tanjore, arising out of disputes between the Rajah of that country and Mahomet Ali; terminate in the surrender by the Rajah of a Fortress and two Districts—Disputes between Madras Government and Sir Robert Harland—Abrupt departure of the latter—Restoration of Sir Robert Fletcher, and his appointment

to Council at Madras—His disputes with the Government, and return to England—Conquest of Tanjore—Administration of Clive's successors—Mr. Verelst—Mr. Cartier—Death of the Nabob, of small-pox—Succeeded by his Brother Mobarik-al-Dowlah—Mr. Cartier succeeded by Warren Hastings—Early acts of his Government—Favour shewn to Goodias, Son of Nuncomar—Mahomed Reza Khan and Shitabroy apprehended; their acquittal—Death of Shitabroy—Selection of Munny Begum as Guardian of the young Nabob—Emperor transfers to the Mahrattas the Districts assigned for his support—Resumption of those Districts by the British—Payment of Company's Tribute to the Emperor discontinued—Districts of Korah and Allahabad ceded to the Vizier for fifty Lacs of Rupees—Hastings assists the Vizier against the Rohillas; his motives—The Rohillas totally defeated—Dastardly Conduct of the Vizier's Troops—State of Affairs at home—Company apply to Government for a Loan—Two Committees appointed by House of Commons, to inquire into their Affairs—Plan for the new Constitution of the Government of India—Bill presented to Parliament—Indignation of the Proprietors—Company petition against it, and pray to be heard by Counsel—Corporation of London also petition against it—Bill passed—Remarks on its Provisions—New Era in the History of the Company—Warren Hastings named as the Head of the new Government—Mr. Barwell, General Clavering, Colonel Monson, and Mr. Philip Francis, as Councillors ... ... Pp. 1 to 58

CHAPTER IX.

Disputes between the Members of the new Government of Bengal—General Clavering calls for certain Correspondence between Hastings and Mr. Middleton, the Resident at the Court of the Vizier, which is withheld—Mr. Middleton recalled, and his duties transferred to Colonel Champion—Proposal of the Majority to demand pay-

ment of all Sums due by the Vizier—Resistance of Hastings—Disputes referred home for consideration—Death of Shoojah-ad-Dowlah, and accession of his Son, Azoff-al-Dowlah — A new Treaty concluded with Azoff-al-Dowlah—Remarks on its Provisions—Personal Charges preferred against Hastings—Is accused, by the Ranee of Burdwan and others—By Nuncomar, of receiving Money from Munny Begum—Hastings resists inquiry into these Charges—Council, notwithstanding, determine to enter on inquiry, and, in the absence of Hastings, pass Resolutions declaring that three Lacs and fifty-four thousand Rupees of the Company's Money had been received by the Governor-general, and calling upon him to refund the amount—Hastings refuses to reply, and further Resolution passed, that the Proceedings should be submitted to the Company's Attorney—Proceedings instituted in the Supreme Court against Nuncomar and others for Conspiracy—Before Trial on this Charge, Nuncomar is apprehended for Forgery—Found guilty and executed—Remarks on his fate—Mahomed Reza Khan restored to office—Death of Colonel Monson reduces the two Parties in the Council to an equality in numbers, giving Hastings the casting vote—Hastings re-appoints Mr. Middleton to the Oude Residency, and removes Mr. Fowke from a situation at Benares—Intention of Hastings to resign—Dissatisfaction at home, regarding Hastings's proceedings—Proceedings of Court of Directors and General Court in connection with his proposed removal from Office—Colonel Maclean declares himself the Agent of Hastings, and states that he has authority to tender his resignation — Resignation accepted—General Clavering appointed Governor-general, and Mr. Wheler to the vacant seat in Council—Hastings repudiates the acts of Colonel Maclean, and retains his post—General Clavering, notwithstanding, assumes the functions of Governor-general—Extraordinary Conference between General Clavering and Mr. Barwell, Hastings's supporter in Council—Question re-

ferred to the Judges of the Supreme Court, who decide in favour of Hastings—Hastings and Barwell pass a Resolution, declaring General Clavering no longer a Member of the Council—Further appeal to the Judges, who decide that the Council have no power to remove one of its Members — Remarks on these transactions — Death of General Clavering gives Hastings controlling authority in Council—Request of the Nabob to be permitted to undertake the management of his own Affairs complied with by Hastings — Disapprobation of the Court of Directors of the arrangements connected with it, and of the removals of Mr. Bristow and Mr. Fowke — Sir Eyre Coote appointed to succeed General Clavering—Usually supports Hastings — Attempted reconciliation between Francis and Hastings—State of the Law in India—Singular Contest between the Government of Bengal and the Supreme Court—Appointment of Sir Elijah Impey to be Judge of the Sudder Dewanny Adawlut—Duel between Francis and Hastings, in which the former is wounded—Francis quits India ... ... Pp. 59 to 155

CHAPTER X.

Hostilities between the Government of Bombay and the Nabob of Broach—The City of Broach taken by storm—Rugonath Row, on the death of his Nephew, succeeds to the office of Peishwa, and meditates War in the Carnatic —The Widow of the late Peishwa gives birth to a son, but Rugonath Row still maintains his pretensions to the office—English support him with the view of obtaining possession of Salsette and Bassein—Progress of negotiation unsatisfactory to the English—English take forcible possession of Salsette and Caranja — New Treaty concluded with Rugonath Row, by which the Company agree to aid him with a considerable force, and he to surrender Bassein and other places—Bengal Government disapprove of the Treaty—Resolve to negotiate with the

Ministers of the infant Peishwa, and appoint Colonel Upton British Representative at Poona—Movements of British Force acting in conjunction with Rugonath Row—Application to Bengal from Bombay for men and money—The former refused—Unsatisfactory course of the Negotiation at Poona—Bengal Government make vigorous preparations for War—Treaty concluded with Mahratta authorities at Poona—Rugonath Row retires to Surat—Review of these transactions—Intrigues of the Chevalier St. Lubin, agent of the French Government at the Court of Poona excite the alarm of the Government of Bombay, and a large force is sent from Bengal under the command of Colonel Leslie—The Bombay Government renew Negotiation with Rugonath Row, and put in motion an Expedition under Colonel Egerton—Disgraceful flight of this force—Escape of Rugonath Row, who takes refuge with Scindia—Convention concluded with the Mahrattas, by which the English agree to restore Salsette, &c.—Colonel Leslie is succeeded by Colonel Goddard in the command of the Bengal Detachment, who with great expedition arrives at Surat — Government of Bombay resolve not to recognize the convention with the Mahrattas—Praiseworthy conduct of Hastings with respect to the errors committed at Bombay—Rugonath Row escapes from Scindia—Ahmedabad and Lahar taken by Assault by a body of Troops under Captain Popham—Fall of Gwalior —Surrender of Bassein—Attack by the Mahrattas on a force under the command of Colonel Hartley—Difficulties of Hastings—The Bhore Ghaut carried by Colonel Parker —A force, under the command of Colonel Camac, sent to carry the War into the Territories of Scindia and Holkar — He retreats, but subsequently obtains a complete Victory over Scindia, with whom a Treaty is concluded

Pp. 156 to 198

CHAPTER XI.

Appointment of Lord Pigot to be Governor of Madras—Restoration of the Rajah of Tanjore—Mr. Paul Benfield intimates that he held Assignments on the Revenues of Tanjore for sums of vast amount lent by him to the Nabob of Arcot—Obtains credence—Struggle in Council of Madras as to the appointment of British Resident at Tanjore—Lord Pigot suspends Messrs. Brooke and Stratton from their seats in Council—Orders Sir R. Fletcher, the Commander-in-Chief, into arrest, and is himself arrested—Death of Lord Pigot—Observations on these events—Apathy of Hastings in regard to them—Proceedings at home respecting the affairs of Madras—War between England and France—Capture of Pondicherry—Expedition against Mahé—Capture of Mahé offensive to Hyder Ali—Negotiations between the Government of Madras and the Nizam—Arrangement with Basalat Jung—Attempt of British force to pass through territories of Hyder Ali repulsed—Mr. Hollond's Mission to the Court of the Nizam—Characteristic letter—Nizam being informed that the Company would no longer pay the annual Tribute on account of the Northern Circars, declares that he will prepare for War—Proceedings of the Bengal Government—Mr. Hollond recalled by Government of Madras, but continued by that of Bengal—Basalat Jung stops the march of Colonel Harpur, and demands the restoration of Guntoor—Madras Government refuse; but Government of Bengal take a different view, and restore Guntoor—Hyder Ali's movements induce Mr. Whitehill, the Governor of Madras, to order the detachment, formerly commanded by Colonel Harpur, to recross the Kistna—War with Hyder Ali—Tardy preparations of Madras Government—Destruction of Force under Colonel Baillie—Cruelties exercised on the Prisoners—Incredulity of Sir Hector Munro, the Commander-in-Chief—Consternation at Madras—

Force dispatched from Bengal, and Sir Eyre Coote proceeds to Madras to take command of the Army—Mr. Whitehill suspended from the office of Governor of Madras, and dismissed the service—Corruption at Madras, in which Mr. Whitehill was accused of being involved—Hyder Ali resumes the Siege of Arcot—Is successful—Difficulties of Sir Eyre Coote—He relieves Chingleput—Capture of the Fort of Carangoly—Capture of Wandewash—Victory obtained over Hyder Ali, who is saved by the advice of a groom—Tippoo Sultan renews the Siege of Wandewash—Sir Eyre Coote arrives at Carangoly, and Tippoo Sultan decamps from Wandewash—Surrender of Tripassore—Negotiations as to exchange of Prisoners—Another Battle of not very decisive character—Arrival of Lord Macartney, the new Governor of Madras—Defeat of Hyder Ali at the Hill of Sholingur—Capture from the Dutch of Sadrass, Pulicat, and Negapatam—Conquest of Trincomalee and Fort Ostenburgh—Ill success of Hyder Ali on the coast of Malabar—Force under Col. Braithwaite in Tanjore cut to pieces by Tippoo Sultan—Action between the English and French Fleets—Loss of Cuddalore and Permacoil—Trincomalee surrenders to the French—Disgraceful conduct of M. Suffrein, the French Admiral, in transferring prisoners to Hyder Ali—Differences between Lord Macartney and Sir Eyre Coote—The latter proceeds to Bengal—Death of Hyder Ali—Return of Sir Eyre Coote to Madras—His Death—M. Bussy takes the command of the French troops in India—Actions on land and at sea—Progress of the War on the western side of India—Surrender of Bednore and Mangalore—Capture of Anantpore—Subsequent Evacuation of Bednore by the British—Peace proclaimed between France and England—Armistice concluded with Tippoo Sultan—Dismissal of General Stuart from the command of the Madras Army—His arrest—Tippoo still carries on Hostilities—Distress of the Garrison of Mangalore, which capitulates—Capture of Paligaut—Commissioners proceed to the Court of Tippoo

to negotiate—Proceedings of the Commission—Treaty concluded — Differences between Hastings and Lord Macartney ... ... Pp. 199 to 294

CHAPTER XII.

Affairs of Bengal—Disputes with Cheyt Singh, the Rajah of Benares—Hastings proceeds to Benares and arrests the Rajah—British Force cut to pieces, and the Rajah escapes—Attack on Ramnaghur fails—Hastings compelled to retire to Chunarghur—Pateeta taken by Storm by Major Popham—Defeat of a party of the enemy by Major Croft—Zemindary transferred from Cheyt Singh to the Son of Bulwunt Singh's Daughter—Surrender of Bidzeghur—The Military appropriate the Treasure as Prize—Remarks on the Conduct of Hastings with regard to the Claims of the Military and to Cheyt Singh—The Vizier of Oude meets Hastings at Benares—Treaty concluded with the Vizier—Hastings receives a Present from the Vizier, which he applies to the Public Service—Requests the Court of Directors to grant him the Amount for his private benefit, and is refused—Articles of the Treaty with the Vizier of Oude—Iniquitous character of the Stipulation regarding Fyzoola Khan—Remarks on the Second Article, which related to the Resumption of Jaghires—Its Effect as to the Begums—Review of the Allegations against those Ladies, and of the Conduct of Hastings towards them—Extraordinary mode adopted for vindicating the Acts of the Governor-general—Mr. Middleton again Resident at Oude in place of Mr. Bristow—Proceedings for obtaining possession of the Wealth of the Begums—Hastings dissatisfied with Mr. Middleton, who resigns—Mr. Bristow reappointed—Hastings again dissatisfied, and proposes Mr. Bristow's recal, but is unsuccessful—Residency at Oude abolished—Hastings proceeds to Lucknow to make Arrangements for the Payment of the Vizier's Debt to the Company—He restores to the Begums a portion of the

Jaghires of which they had been deprived—Hastings returns to Calcutta, and departs for England ... Pp. 295 to 340

CHAPTER XIII.

Parliamentary Provisions relating to the Government of Bengal, the Trade and Territorial Possessions of the Company, and the Supreme Court—Select and Secret Committees of the House of Commons—Hastings condemned in Parliament—Court of Directors determine to recal him, but General Court declare in his Favour—Proceedings against Sir Elijah Impey—Ministerial Changes—India Bill of the Coalition Ministry passes the House of Commons—Opposed in the House of Lords—Rumour of the King's Hostility to the Bill—Its Effects—Dismissal of the Ministry—New Ministry formed by Mr. Pitt—New India Bill brought in and lost—Parliament Dissolved—Ministers powerful in the new Parliament—India Bill again introduced and passed—Its more important Provisions—Advantages of those relating to the Administration of the Government of India—Objectionable provisions for inquiring into the Property of persons returning from India, and for establishing a new Court for the Trial of Offences committed by such persons—Debts of the Nabob of Arcot—Unhappy Decision of the newly-constituted Board of Commissioners on those Debts—Presumed Causes of that Decision—Impeachment of Hastings—Preliminary Proceedings—Commencement of the Trial—Disputes as to the Admissibility of Evidence, and on the question whether an Impeachment abate by the Dissolution of Parliament—Progress of the Trial through several Sessions—Its conclusion in the Acquittal of Hastings—Remarks—Latter part of Hastings's Life—His Character . . .. Pp. 341 to 377

CHAPTER XIV.

Mr. Macpherson next in Council to Hastings at the Resignation of the latter—Course of events by which he attained that place—Arrival at Calcutta of Lord Macartney—He declines the appointment of Governor-general—Returns to England—Enters into Negotiation with the Ministry—Lord Cornwallis appointed Governor-general—Relations of the Company's Government with Oude; with Nizam Ali—Embarrassments of Lord Cornwallis's position—His mode of escaping them—Designs of Tippoo Sultan on Travancore—Proceedings of Tippoo, of the Rajah of Travancore, and of the British Government—Tippoo attacks the Lines of Travancore and is repulsed—Imbecile Policy of the Government of Madras—War with Tippoo Sultan—Treaties with Nizam Ali and the Peishwa—Assemblage of an Army under General Medows—Communications with Tippoo—Retirement of that Prince—British Army advance and capture Caroor, Aravacourchy, and Daraporam—Unsuccessful Attack on Paligaut—Dindigul taken—Surrender of Paligaut and Eroad—Sattimungul captured—Descent of Tippoo—Attack on a Corps commanded by Colonel Floyd—Attack renewed without success—Junction of the Divisions of the British Force—Tippoo regains Sattimungul, Eroad, and Daraporam—Movements of Armies and Negotiations—Lord Cornwallis resolves to assume the command—Enters Mysore—Town and Fort of Bangalore taken by the English—Victory gained by British Force under Colonel Hartley—Malabar occupied by General Abercromby—Movements of the Army of Nizam Ali, and of the Mahratta Army—Lord Cornwallis marches from Bangalore—Joined by a body of Nizam Ali's Horse—Resolves to march upon Seringapatam—Description of march—Apprehensions of Tippoo—Battle in sight of Seringapatam—English victorious, but compelled to return to Bangalore by want of provisions—

General Abercromby, who had advanced, ordered to return to Malabar—Army of Lord Cornwallis joined by Mahratta Army under Purseram Bhow—Hooliordroog surrenders to the Allies—Plan of new Campaign—Oossore evacuated by the enemy—Various Forts fall to the English—Nundedroog taken by them—Operations in Baramâhal, in Coimbatore—Gallant Defence of the Fort of Coimbatore by Lieutenant Chalmers—Its Surrender to the Enemy—Perfidy of Tippoo Sultan—Capture by the English of Savandroog and Ootradroog—Siege of Goorumconda—Nizam's officer deceived, surrounded with his men and murdered—Movements of Mahratta Army under Purseram Bhow—Capture of Hooly Onore—Victory gained by British Detachment under Captain Little—Simoga surrenders to the English — Faithlessness and cruelty of the Mahrattas—Simoga retaken by Tippoo—Lord Cornwallis once more in sight of Seringapatam—Attack upon that place—Its success—Subsequent movements—Noble Defence of a Redoubt by the English—Preparations for attacking the Fort—Tippoo releases Lieutenants Chalmers and Nash, and makes Overtures of Peace—Attack directed against the person of Lord Cornwallis—Approach of General Abercromby with the Bombay Army—Negotiations—Preparations for Siege completed—Preliminaries of Peace agreed upon, and Hostilities suspended—Insolent conduct of Tippoo—Arrival in the English Camp of two of Tippoo's Sons as Hostages—Disputes of Negotiators as to Revenue of Territories, value of Coins, and cession of Coorg—Preparations for re-commencing War—Definitive Treaty ratified by Tippoo—Remarks on the Treaty—Further proofs of the cruelty and perfidy of Tippoo—Departure of the British Army from Seringapatam—Means of providing for the Payments of Tippoo to the Allies—Restoration of Tippoo's Sons—The French Settlements captured—Lord Cornwallis's Changes in Internal Administration—The Permanent Settlement—Judicial Arrangements—Lord Cornwallis returns to England—Succeeded

by Sir John Shore—Evasion of the Engagements of the British Government with Nizam Ali—Nizam attacked by the Mahrattas—Progress of French Influence—Rebellion of the Nizam's Son—Interposition of the English for its Suppression—Death of the Peishwa and its Results—Death of Mahomet Ali—Dispute between the Governments of Bengal and Madras—Reduction of the Dutch Settlements—Death of Fyzoola Khan—Consequent Rebellion suppressed—Death of the Vizier—His Successor recognized by the British Government—His Title impugned—Governor-general institutes Inquiry, and becomes satisfied of the spurious birth of the reigning Vizier, who is deposed in favour of a Brother of the deceased Prince—Treaty with the new Vizier—Sir John Shore created an Irish Peer, and quits India ... Pp. 378 to 576

HISTORY

OF THE

BRITISH EMPIRE IN INDIA.

CHAPTER VIII.

THE dividends of the East-India Company, like those of other mercantile bodies, had been accustomed to fluctuate accordingly as circumstances were prosperous or adverse. In 1766, the dividend had for some time been made at the rate of six per cent. per annum. The news of the acquisition of the dewanny of Bengal, Behar, and Orissa, impressed the proprietors with a belief that more might reasonably be expected, and at the same general court in which the success of Clive's negotiation was announced,* a motion was made to raise the dividend to eight per cent.; but the Court of Directors having delivered an unanimous opinion that the proposal was premature, the motion, in deference to their judgment, was withdrawn. At

A. D. 1766.

* Held on the 18th June, 1766.

CHAP. VIII.

the next general court,* however, the subject of increase of dividend was again brought forward, and an augmentation of still greater amount was called for. It was moved that the next dividend should be made at the rate of ten per cent. per annum. The Court of Directors, anticipating that a proposal for increasing the dividend would be made, had prepared a report, the result of an investigation of the Company's affairs, with special regard to the subject of debate; and their conclusion was, that the circumstances of the Company were not such as to warrant any increase. Notwithstanding this, the motion was pressed to a division, and was finally determined by a ballot, the result of which gave a victory to the advocates of the proposed increase. This was followed† by a proposal to make overtures to Government for an extension of the duration of the Company's charter, on consideration of their admitting the State to participate in the advantages of their recent acquisition.‡ Those with whom the proposal originated, indeed, manifested an exube-

* Held 24th Sept. 1766. † 14th Nov. 1766.

‡ The creation of the new East-India Company, with which the old Company was finally incorporated, was one of the various expedients resorted to by the embarrassed government of William the Third, to raise money for the service of the State. The capital was to be lent to the Crown, and at a stipulated period after the repayment of the loan the exclusive right of trading was to cease. As the State found it convenient to borrow, and difficult to repay, other loans were subsequently obtained, the *bonus* for which was invariably an extension of the period of the continuance of the exclusive trade. The proposal referred to in the text, however extravagant in its character, was, therefore, ac-

rance of sanguine expectation worthy of the burning clime on whose wealth and fertility it was based. In consideration of an extension of the Company's charter for thirty-seven years, they generously proposed to assign to the State all that should remain of the territorial revenues after the civil and military expenses of the settlements should be paid, and after payment of a dividend to the Company at the rate of fifteen per cent., to be guaranteed for ten years. During that period the profits of the Company's trade were to accumulate as additional capital. At its expiration, the Company were again to derive their dividends from the profits of their trade; but if these should be insufficient to pay fifteen per cent., the difference was to be made up from the territorial revenues. High as were the expectations of the proprietors, they were not prepared to entertain this plan. The proposal was met by a motion for the previous question, which was carried. This result was followed by a motion, recommending the Court of Directors to take measures for obtaining from parliament further powers for extending the trade of the Company, and securing to them the benefits of the grants and acquisitions recently obtained. An amendment upon this was moved, embodying the views of those who had supported the first motion, but without specially referring to them—motions of adjournment *sine die*, and of adjournment to a future day,

cordant with the principles on which accommodation had previously been afforded mutually to the Crown and the Company.

CHAP. VIII.

were made, and, after a protracted debate, the court broke up, with an understanding that the subject should be resumed at the quarterly court which was approaching. But the successful results of Clive's policy had attracted the notice of others as well as of the proprietors of East-India stock. Several months before the discussion last noticed, the Duke of Grafton, then prime minister, had intimated to the chairman and deputy-chairman that the affairs of the East-India Company would probably occupy the attention of parliament in the approaching session, and that it might be expected to meet before Christmas.* It had met on the 11th November; and on the 25th, a motion was made in the House of Commons, for a committee to inquire into the state and condition of the Company. It was carried, upon a division, by one hundred and twenty-nine against seventy-six; and it was then further resolved, that the committee should consist of the "whole House."

A. D. 1766.

On the 10th December, the court received orders to lay before the House of Commons a variety of papers, including copies of all treaties and grants from any native powers between 1756 and 1766, both years inclusive; as well as of all correspondence relating thereto, and an account of the state of the Company's territorial revenues. At the time of making these orders, the House also called for a

* This communication was made on the 28th August, 1766, and at the next general court (24th September) was announced to the proprietors.

statement of all expenses incurred by Government on account of the East-India Company during the period to which the order for copies of the treaties and grants applied. These proceedings of parliament were made known to the general court held a few days after the service of the orders, and the effect was to create a general impression that, under the circumstances, it was not advisable to make any application to parliament. With reference to the order for a statement of expenses incurred by Government on behalf of the Company, it was suggested that a counter-statement should be prepared, of charges thrown upon the Company by the acquisition and preservation of their possessions, the reduction and temporary retention of Manilla, and other similar causes; but the Court of Directors, it was intimated, had already anticipated the wishes of the proprietors on this point, by giving orders for the preparation of such a statement. The general court adjourned till the 31st December, on which day a motion, recommending the Court of Directors to treat with the ministry and report their proceedings, was carried unanimously. A.D. 1766.

The Court of Directors entered on the duty committed to them, but their progress was slow and unsatisfactory. The chairman, Mr. Dudley, writing to Lord Clive, says:—"We have been, and still are, studying the wants of the administration, for they themselves will not open their mouths to utter one syllable."* Parliament continued to call for further

* Quoted by Sir John Malcolm in Memoirs of Clive, vol. iii. page 197.

CHAP. VIII.

papers, and general courts continued to assemble to hear that their executive had made certain proposals, and that the ministers held their peace.* The stagnancy of discussion was somewhat relieved by the irrepressible activity of Mr. Sulivan, who, being now out of the direction, produced a set of counter-proposals, to be submitted to ministers in place of those of the directors. The question was referred to the decision of a ballot, and the directors prevailed.

The House of Commons had called for a variety of papers, but the committee did not proceed to
A. D. 1767. business till the latter end of March. It sat at intervals through the month of April and part of May. In the meantime the desire of the proprietors for an increase of their dividend continued, but the ministers and the Court of Directors were alike opposed to its gratification. At a general court, held on the 6th May, the chairman reported the results of the negotiations between the Court of Directors and the advisers of the Crown, and apprized the proprietors of the feeling entertained by the latter against an increase of the dividend. It was, notwithstanding, moved, that the dividend for the ensuing half-year should be at the rate of twelve-and-a-half per cent. per annum, and the motion was carried. On the following day, the House of Commons called for the proceedings of the court at which this vote was passed; and at another general court, held on the 8th, the Court of Directors re-

* The documentary communications on the part of the ministry were confined to a single paper, which, so far from expounding their views, consisted of nothing but a string of questions.

commended that it should be rescinded. After a debate of great length, a resolution was passed, to the effect that, in the arrangement with the ministers of the Crown, four hundred thousand pounds per annum should be secured to the proprietors. This did not differ substantially from the former resolution, as that sum would have furnished a dividend of twelve-and-a-half per cent. On the day on which this court was held, Mr. Fuller, the chairman of the committee of the House of Commons, moved for leave to bring in a bill for regulating the Company's dividends, and the motion was carried. The bill was brought in on the 11th, and read a first time. On the 12th it was read a second time, and ordered to be committed on the 19th. The object of the bill was to restrain any increase of dividend beyond ten per cent. till the next session of parliament.

A. D. 1767.

On the 18th May, the chairman reported to a general court then held, that copies of the resolution passed at the preceding court had been delivered to the Duke of Grafton, premier, Mr. Townsend, chancellor of the exchequer, and General Conway, one of the secretaries of state. An interview with the Duke of Grafton had been sought, but the answer of that nobleman seemed to offer little encouragement to the hopes of the proprietors.* The Court of Directors, however, had deemed

* The following is a copy of it :—" The Duke of Grafton presents his compliments to the Chairman and Deputy of the East-India Company; his time is always at their command, but he owns he can see very little effect from any interview on the subject of

CHAP. VIII.

it expedient to try the effect of a personal conference: the chairman and deputy accordingly availed themselves of the expressed readiness of the minister to receive them; but all that they obtained was a reference for his views to his written message. Under these circumstances, the Court of Directors recommended the presentation of a petition to the House of Commons, pressing the claims of the Company, but modifying them in some degree so as to meet the views of the administration. One of the main points in which modification took place, was that of the period during which the proposed agreement between the Crown and the Company should remain in force. The proprietors had required a considerable addition to the term of their charter, and the expectations expressed as to the extent of such addition had varied from thirty-seven to fifty years. Ministers would conclude no agreement for more than three years, and the first clause of the proposed petition expressed acquiescence in this arrangement. The fourth, fifth, and sixth clauses proposed that the trading profits of the Company, and the residue of the territorial revenue, after deducting the expenses of administration, should form a fund out of which the Company should receive £400,000 per annum as a dividend, and that

the resolutions of the general court of Friday last, which, differing so much from the ideas jointly approved by the directors and the King's servants, appear more proper for the judgment of parliament, whose attention to the great affair has been too often turned aside by fallacious appearances of accommodation."

the surplus should be equally divided between the Company and the public, the share of the Company being appropriated to the discharge of their debts. The remaining clauses related to various points, fiscal, military, and commercial, but of inferior importance with reference to the existing circumstances of the Company. The debate of this day was fierce and long. At a late hour, a motion being made for a petition to the House of Commons, praying that the petitioners might be heard by themselves or their counsel against the bill for regulating the Company's dividends, a ballot was demanded; and, as the bill was to go into committee on the following day, it was suggested, contrary to usual practice, that the ballot should take place forthwith. At nine o'clock in the evening it was moved and carried, that the ballot should then commence, and continue open till eleven. Against this decision several proprietors delivered a protest. Another protest was signed by the Court of Directors, who also refused to appoint any scrutineers. Scrutineers were accordingly chosen by the proprietors, who reported that the motion was carried by one hundred and thirty-eight against two. The debate was then resumed on the petition proposed by the Court of Directors. It was conducted with no less vehemence than that which had preceded the ballot. It was finally determined to instruct the Court of Directors to alter the petition, by suggesting the payment of £400,000 per annum to the public in place of the proposed participation in the Company's pro-

CHAP. VIII. A. D. 1767.

fits; and a few minutes before four o'clock in the morning of the 19th May this memorable court adjourned. The petition praying to be heard by counsel against the dividend bill was presented to the House of Commons on the same day. A motion, to refer it to the consideration of the committee, being opposed, the debate was adjourned till the following day.* A motion succeeded for a return of the names of the proprietors who had balloted on the day before under such extraordinary circumstances, and of the amount of their stock. It was opposed; but, on a division, carried. The petition originally prepared by the Court of Directors, and which submitted the proposals of the Company for an arrangement with the State, was presented on the 20th, and referred to the committee. The adjourned debate on the former petition was then resumed, and the petition was ultimately rejected. On the 25th, it was ordered, that it be an instruction to the committee to insert in the bill a clause regulating the mode of balloting in the general courts of the East-India Company. On the 27th, the bill came out of committee; and on the 28th, was read a third time and passed. On that day, it had been determined by a ballot again to petition parliament against the bill, and praying to be heard by counsel; but from the fact of the bill having passed the House of Commons, it was

* There appears, from the Journals of the House of Commons, to have been another petition of like character from certain proprietors of East-India stock, which was referred to the committee, and on the 25th of May the petitioners were heard by counsel.

no longer of any avail to petition there. The Company, therefore, addressed their prayer to the House of Lords; and, with a view to aid its success by a pledge of moderation, passed a resolution against any increase of dividend beyond twelve-and-a-half per cent. for two years. But they were not more successful in the upper, than they had been in the lower House. The bill was passed, though not without a protest against it signed by nineteen peers. Among the most powerful opponents of the bill was the chief justice of the King's-bench, the Earl of Mansfield: and his lordship is represented to have condemned the proceeding as an exertion of arbitrary power of which there was no precedent —as an attempt to set aside a legal act of private men, legally empowered to dispose of their own property, in doing which they had violated neither the general principles of justice nor the by-laws of the Company.* There is certainly some force in the reasons of this distinguished lawyer—the interference of parliament to prevent a commercial co-partnery from ruining itself was at least an unusual exercise of authority. But whether such interposition were justifiable or not, it is certain that it was beneficial, even to those who were restrained by it. The expectations of the proprietors had been unduly raised with regard to the benefits likely to accrue to them from the territorial revenues: the Court of Directors sought in vain to moderate them,

* Hardwick Papers, quoted in Hansard's Parliamentary History, vol. xvi.

CHAP. VIII.

and it was only by force of law that the temporary gratification of those extravagant hopes was prevented.

Few, however, will believe that the ministers of the Crown took a very deep interest in preserving a trading company from the consequences of an imprudent act. The wealth believed to be involved in the gift of the dewanny, and the desire to divert some portion of it into the English exchequer, must be looked to as the real motives of their interference.* The question was raised, to whom the newly acquired territory belonged; but its discussion was somewhat premature. The Company had in strictness acquired no territory, but only the right of administering the finances of Bengal, Behar, and Orissa; and after satisfaction of certain claims, of applying the surplus to their own benefit. It may be conceded, that neither a British subject, nor a company of British subjects, can acquire or exercise territorial sovereignty, but in this case there was no sovereignty. The Emperor of Delhi was the sovereign, and the Company was his zemindar. It may be true, that this relation between the parties was a mere fiction; but similar fictions are common under all systems of government and law, and there is no reason why they should command less respect in the case of the East-India Company than in any other.

* These feelings were not confined to the ministers, but appear to have pervaded the people. Alderman Beckford, leader of the popular party in the city of London, is represented to have expressed, in his place in parliament, a hope that the rich acquisitions of the Company in the East would be made the means of relieving the people of England of some of their burdens.

Against public clamour and parliamentary influence, it was, however, vain to contend; and throughout the discussion which took place among the proprietors of East-India stock, the admission of the State to a participation in the profits of the dewanny was assumed to be a necessary concession. A bill, providing for the payment for two years of four hundred thousand pounds per annum by the Company to the Crown, was accordingly brought in, and passed into a law, without opposition and almost without notice.*

The operation of the act for limiting the amount of the Company's dividends was restricted to one year. Before the expiration of that period, considerable changes had taken place in the ministry,†

* By another act, of which the tendency was unquestionably good, it was sought to diminish the pernicious practice of creating fictitious votes. The bill was introduced with especial reference to the East-India Company, but, in its progress through the House of Commons, its operation was extended to other similar establishments. It provided, that no one should vote in any general court who had not been possessed of his qualification for six months.

† This ministry, although the Duke of Grafton was its nominal head, was formed by the celebrated Earl of Chatham, but at a time when his health was failing, and after his disposition for public business had left him. It was from its commencement weak and unstable, possessing neither the favour of the court, the confidence of the people, nor any principle of conservation within itself. It was the ministry so finely ridiculed by Burke in the following passage of one of his speeches:—"He made an administration so chequered and speckled; he put together a piece of joinery so crossly indented and whimsically dovetailed; a cabinet so variously inlaid; such a piece of diversified mosaic; such a tesselated pavement without cement, here a bit of black

CHAP. VIII.

but no change in the policy maintained towards the East-India Company. A bill was brought in to continue for another year the operation of the former act. The Company resisted this, as they had resisted the former act regulating the dividends; but it passed both Houses by considerable majorities, although, like its predecessor, it was the subject of a protest in the Lords.* In the month of August

A. D. 1768.

stone, and there a bit of white; patriots and courtiers; king's friends and republicans; Whigs and Tories; treacherous friends and open enemies—that it was, indeed, a very curious show, but utterly unsafe to touch and unsure to stand upon. The colleagues whom he had assorted at the same boards stared at each other, and were obliged to ask—'Sir, your name?' 'Sir, you have the advantage of me.' 'Mr. Such-a-one, I beg a thousand pardons.' I venture to say it did so happen, that persons had a single office divided between them who had never spoken to each other in their lives, until they found themselves, they knew not how, pigging together, heads and points, in the same truckle bed."—Speech on Repeal of the American Tea Duties Bill, April 19, 1774.

* The protest contains six sections, each stating and enforcing a particular ground of opposition to the bill. The fourth, fifth, and sixth are the most important, referring, not to the peculiar circumstances of the Company, but to general principles. They are as follows: "Fourth. Because it appears to us that to restrain the subject in the disposition of his own property, without any other pretence than the mere possibility of abuse (this bill having been chiefly defended upon that ground), is a principle unheard of in any free country, and most alarming to all the trading and monied interests of this kingdom; it goes to the subjecting to the same restraint, on the same loose reasons, every great company, as well as every public or private stock, which may become of magnitude sufficient to tempt, in future times, an impoverished treasury and a rapacious administration, since no degree of innocence can be a security against such suspicion of a possible fraud, and such a suspicion may be made a ground for continuing an

following, it was intimated that the King's ministers were ready to receive proposals from the Company with respect to the territorial acquisitions and revenues. The proceedings connected with the passing of the bill restricting the amount of dividend have been detailed at some length, because they relate to the first instance in which parliament interfered with the property of the Company. It

arbitrary restraint, until the subject shall consent to ransom his property on such terms as shall be prescribed to him. Fifth. Because this annual restraint tends to establish a perpetual interposition of parliament, in declaring dividends for this Company, and, indeed, all companies whatsoever, to the increase of that most dangerous and infamous part of stock-jobbing which is carried on by clandestine intelligence, and to the vesting it in the worst of all hands—those of administration; for a minister who shall hereafter acquire in parliament (by whatever means) sufficient influence for the purpose, may, by his power of increasing, diminishing, or withholding dividends at his pleasure, have all the stockholders in these companies (a body extremely considerable for wealth and numbers) entirely at his mercy, and probably at his disposal, to the infinite increase of the already overgrown and almost irresistible influence of the Crown. Sixth. Because we apprehend that this unprecedented practice of declaring dividends in parliament may become a more alarming mode of undue influence on the members themselves, than any of those which have hitherto so frequently excited the jealousy of the legislature, since it furnishes a fund for corruption far greater than any hitherto known—a fund in its nature inexhaustible, of the greatest facility in the application, and quite out of the reach of all discovery and prosecution. We think the principle of this bill the first step towards the introduction of such a new system of corruption, and have, therefore, resisted it, lest the constitution should become totally perverted from the ends for which it was originally established, and be no longer venerated by this nation, as giving security to liberty and property, and protection to the subject from all violence and injustice on the part of Government."

CHAP. VIII.

is unnecessary, and would be uninteresting, to pursue the subsequent negotiations so minutely, and it will be sufficient to state, that an agreement for five years was effected between the Government and the Company; that the latter were permitted to add to their dividends, provided the addition did not exceed one per cent. in any one year, nor increase the entire dividend to a rate exceeding twelve-and-a-half per cent. per annum; and that the payment of four hundred thousand pounds annually into the Exchequer was to be continued, subject to a reduction, should the state of the Company's affairs compel a diminution of their dividend below ten per cent.

But this agreement did not remove all grounds of difference between the Government and the Company. The state of affairs in India was once more unsatisfactory. The stoppage of investments in consequence of the want of means to make them—the ill success attending the war with Hyder Ali, and other circumstances calculated to excite alarm, had determined the Company to send out commissioners vested with extraordinary powers; and further, for the protection of the British dominions and settlements in the East, they had solicited from the Crown the assistance of some ships of the line. To the former project the King's ministers objected; and though not disposed to refuse compliance with the request for maritime assistance, they wished to attach to it a condition to which the Court of Directors and the proprietors were alike hostile.

They desired that the officer who should command in the Indian seas should be invested with the functions of a plenipotentiary. This being objected to, it was required that, in the political arrangements that might be made between the Company and native states, that officer should have a large and ostensible share, and this upon the ground that the British Crown was bound by the treaty of Paris to maintain the rights of certain Indian princes.* To Sir John Lindsay, who was to proceed to India in command of a frigate, the Court of Directors had readily granted a commission to act in the Gulf of Persia. The question of granting to him further powers was submitted to a general court, and, after warm and long-continued debates, decided in the negative. Ministers did not press the matter further, nor did they persevere in resisting the proposed commission. Two frigates were dispatched for Bengal, and in one of them the new commissioners, Mr. Vansittart, Mr. Scrafton, and Colonel Forde, proceeded. But their commission was not opened—the ship in which they sailed never reached its destination, and was supposed to have foundered at sea.

A most disgraceful act of the ministry must now be noticed. They had appeared to acquiesce in the decision of the East-India Company to withhold from the officer commanding in the Indian seas all power of interfering with the native states; but,

* One of whom had, long before the period of this negotiation, been deposed and murdered.

CHAP. VIII.

notwithstanding this, they secretly gave to Sir John Lindsay a royal commission, conferring the powers which the Company had refused.* The political inexpediency of this act was its lightest fault. The incapacity of the ministers who committed it sinks into insignificance, when compared with the crime of dishonouring the name of their master by associating it with a miserable and scandalous deception. The secret history of this proceeding transpired after a few years, and it is at once curious and instructive.

It is notorious that the education of Oriental princes does not prepare them, in any degree, for the stations which they are destined to occupy. Ignorant, for the most part, even of the state of society around them, their ignorance of European politics, habits, and manners is extreme. They are, consequently, an easy prey for artful and unprincipled adventurers, who, traversing the world in quest of fortune, are not so fastidious as to reject any means of securing their object, though fraud, falsehood, and treachery, be among them. Mahomet

* The names of the men guilty of this mean, dastardly, and perfidious conduct ought to be recorded. The principal members of the ministry were the Duke of Grafton, premier; Lord North, chancellor of the exchequer; Lord Camden, lord chancellor; Lord Weymouth, Lord Rochford, and Lord Hilsborough, secretaries of state; Sir Edward Hawke, first lord of the admiralty; Lord Gower, president of the council; Lord Bristol, lord privy seal. The minister immediately concerned in the negotiation with the East-India Company was Lord Weymouth: from him Sir John Lindsay received his commission.

Ali was dissatisfied; he met with a subject of Great Britain named Macpherson, who told him that his dissatisfaction was just; he did more, he professed to be able to procure him relief, and solicited a commission from the Nabob empowering him to proceed to England as an accredited agent of his highness. The objects of this mission were stated by the envoy to be, to raise in the breast of the prime minister a favourable feeling towards the Nabob—to lay before him the distress of the prince, and to shew the advantage which would arise to the British State from supporting him in what the agent termed the rights of his alliance.* The required authority was given, and Mr. Macpherson proceeded to Europe. He appears to have relied in a great degree for the success of his mission upon the Earl of Chatham and the Earl of Shelburne, the former of these noblemen, though only holding the office of lord privy seal, being regarded as the active head of the administration; but, on Macpherson's arrival in England, he found that in one of the many ministerial changes

* See Memorial of Services rendered to the Nabob, printed in Appendix 1 to Third Report of Select Committee of the House of Commons, made on 12th June, 1782. When Mr. Macpherson was questioned in the Council of Madras (of which he was subsequently a member) as to the authorship of this paper, his reply was, "that it was impossible for him to give a precise answer to the question, the paper being neither wrote in his hand nor signed by him, nor does the President inform him that he has received it from any authority; it is a paper of considerable length, and refers to transactions previous to his being in the Company's service." Such an answer is quite conclusive as to the genuineness of the paper.

CHAP. VIII.

which about that time occurred, both the Earl of Chatham and the Earl of Shelburne had retired from office. Nothing discouraged, however, he resolved to proceed with his case—and he expresses himself on this subject with a sense of conscientious obligation truly edifying:—"Whoever," says he, "had the favour of the sovereign, it was my business to interest him in the support of my employer."* The justice of the Nabob's complaints, and the interests of the ambassador's country, were secondary considerations—his duty to his employer was primary, and nothing could be more fortunate, where conscience was so scrupulously regarded, than the fact that the course of duty to which the Nabob's emissary felt committed was, at the same time, the course most likely to advance his personal interests. According to his own report, he also enjoyed another singular piece of good fortune. The minister to whom he had to apply was all that he could wish. "Fortunately," he says, "the favourite and minister was a personage of the first distinction—of the noblest and most steady principles; every consideration pointed out his grace as the member of the British empire, whose friendship and support, next to those of the Sovereign, were the most desirable to the cause of the Nabob." His grace's virtues were, however, but subordinate to his position, for the Nabob's advocate adds, "but above all, the consideration of his being at the head of affairs, made it necessary to apply to the Duke of Grafton."†

* Memorial, ut supra. † Ibid.

Having determined to whom to apply, the next consideration was how to secure the minister's ear. Macpherson had no acquaintance with the duke, and he felt that without introduction he had little chance of approaching him with success. The deficient link in the chain of communication was supplied by the intervention of the Earl of Warwick, to whom Macpherson was known; and with a letter from the earl in one hand, and a plan for the administration of Indian affairs in the other, the representative of the potentate of Arcot waited on the minister. The diplomatist was a cautious as well as a persevering person. The plan which he presented to the Duke of Grafton was, he states, intended to sound his grace: he was not less wary with regard to the nature and extent of his powers. He says:—"I signified, in some degree, my commission."* His caution was not unreasonable, but it was unnecessary. His mission was too agreeable to be slighted. He was invited to a second interview, and then he became satisfied that "it was unnecessary to act with further reserve." His grace, he states, "spoke so feelingly of the oppression under which the princes of India laboured from the usurped authority of the commercial subjects of the state,"† that the emissary was convinced that the ground was prepared for the seed which it was his business to cast upon it. He lost no time in opening his client's case, and, according to his own report, availed himself to the full extent of an advocate's privilege of colouring. He

* Memorial, ut supra. † Ibid.

CHAP. VIII.

" expatiated upon the superior merits of the Nabob, shewed that he was the person to whom Britain owed the rise of her power in India—that his attachment and unsullied honour to the English were unparalleled;" and being thus led to the subject, he " dwelt," he says, " upon the personal merits" of his patron as " a statesman and a gentleman." Thence diverging to the Nabob's wrongs, he sought to fix and deepen the already awakened sympathy of the minister by an exposition of the " indignity and even tyranny" to which the exemplary prince was subjected.

To what extent the eloquent expounder of the Nabob's case illustrated the well-chosen topics of his speech does not appear. But it may be concluded with safety, that he did not inform his noble auditor that the Nabob had never possessed a military force that was regarded by his allies in any other light than as an incumbrance—that he had been kept on the throne solely by the power of the British arms—that his " merits as a statesman" consisted in an almost matchless combination of weakness and perfidy—and that his claim to praise as a " gentleman" must rest, if it could be sustained, on his reputation for meanness, falsehood, and cowardice. Such is the report of history, whatever might be that of Mr. Macpherson.

Having concluded his harangue, the advocate presented his letters in attestation of his authority, and produced what he calls the " credential presents." Mahomet Ali was aware that presents are

an indispensable auxiliary to diplomacy in India, and he might not unnaturally suppose that the same practice prevailed in Europe. But his adviser ought to have known better. He, however, reported to his master that he had tendered the presents, but he did not pretend that they were accepted. The duke, he says, declined to receive them, but accompanied his refusal by a declaration of his determination to give all his influence as minister in support of the cause of Mahomet Ali. The admiration and gratitude of the Nabob's commissioner were unbounded, and he represents the speech in which the duke's gracious answer was conveyed, as doing "honour to the minister of the best of kings, and the first of nations."* Indeed the effect of his grace's benignity was almost more than the diplomatic functionary could bear. "Overwhelmed," says he, "with the nobleness of this answer"—the connection of the cause and the consequence is not very clear—"overwhelmed with the nobleness of this answer, I took up the presents and offered them in the name of the Nabob to his grace's secretary, Mr. Bradshaw;"† but it appears that Mr. Bradshaw was not less inexorable than his superior, and refused the offer with equal decision and more warmth. Although such a result must have been expected, Macpherson represents it as embarrassing him. He feared that his employer would not believe that men who would refuse his presents could have any serious intention to serve him, it being an esta-

* Memorial, ut supra. † Ibid.

CHAP. VIII.

blished principle in the East never to refuse a present, whether the receiver intend to serve the donor or not. Another fear oppressed the agitated mind of the Nabob's representative. The refusal of presents would be a thing so new and strange to his illustrious employer, that he apprehended it would be attributed to his neglect of pressing. At a subsequent interview, he, with an amiable candour, stated his fears. The duke's secretary put an end to them by a pregnant remark. After complimenting the negotiator, by observing that, from the confidence reposed in him by the Nabob, any representation which he might make must be credited, the polite secretary added, "But we do not wish him to judge of things from their representation, but from their event. If he find his cause espoused here, and the consequent effects in his situation, you will have less difficulty in persuading him that the minister can be his friend without receiving his presents."*

The minister had refused to be bribed; but faith in the all-potent influence of money led to a proposal which it was thought could not fail to be agreeable at the treasury. It was twofold; and the minister had only to choose between the support of public credit by the purchase of a considerable amount of stock, and a more immediate and direct benefit to the exchequer to be derived from a loan at a very low rate of interest. Under pretence of a sense of the security of the British funds, as com-

* Memorial, ut supra.

pared with the precarious tenure of property in India, and of the Nabob's desire to make provision for his younger children, it was proposed on the part of that prince to invest seventy lacs of rupees* in any public stock that the minister might name; or, if preferred, to lend that sum, or even a larger, to the British government at two per cent. The proposal came to nothing; and probably the minister thought that the chance of realizing it was not great. At the time when it was made, Mahomet Ali professed to be surrounded by pecuniary difficulties; and, indeed, such was his situation throughout the greater part of his life. This offer was, notwithstanding, one of the means by which the favour of the English government was sought. The Nabob's agent continued to pursue his avocation in various other modes. He wrote pamphlets, and letters in the newspapers, proclaiming the royal and ministerial determination to support the Nabob; and to give these publications greater weight, he dated them from Arlington Street, where the Duke of Grafton resided. He caused articles calculated to serve or flatter the Nabob to be inserted in books published by others, and these articles to be brought prominently to the notice of the advisers of the Crown. He laid before ministers a suggestion for passing an act to restrain the Company's servants from interfering with the government and succession of Indian princes; and this proposal was made with especial reference to the situation and wishes

* About £700,000.

CHAP. VIII.

of Mahomet Ali. His intrigues fomented differences between the Company and the servants of the Crown; and he took advantage of the agitation, of which he was a main cause, to push the objects of his mission. "I availed myself," says he, "of the disputes which subsisted, or were rather commencing, between his grace as first lord of the treasury and the India directors, to enforce the propriety of supporting the Nabob."* His labour was not thrown away. The ministry resolved to support Mahomet Ali; they resolved to diminish the power, authority, and influence of the East-India Company; but they were too weak to reckon upon carrying out their design openly. Still they would not abandon it. They determined to effect their object by any means; and as it could not be accomplished openly, it was to be achieved by stealth. The secret commission of Sir John Lindsay was the result of the mission of Mr. Macpherson.

Sir John Lindsay, on arriving at Madras, proceeded to assume the exercise of the high powers with which he was invested. He announced to the governor and council that he was the bearer of letters and presents from the Crown to the Nabob of Arcot, and invited them to grace the delivery by giving their attendance on the plenipotentiary. This was declined, and an angry correspondence commenced, which was subsequently continued on subjects of more grave importance. Hyder Ali was attacked by the Mahrattas, and both the belligerents were

* Memorial, ut supra.

desirous of the assistance of the English. The government of Madras wished to maintain neutrality, but had they felt at liberty to join either party in the war, their inclinations would have led them towards Hyder Ali. On the contrary, the Nabob was disposed to favour the Mahrattas; and he succeeded in enlisting the king's plenipotentiary on his side. On this discreditable portion of the British history of India it is unnecessary, and would be uninteresting, to dwell. The Court of Directors, on becoming acquainted with the powers bestowed on Sir John Lindsay—the first intimation of which was derived from Madras—remonstrated against the course taken by the ministry, of which, it may be presumed, the latter were in some degree ashamed. The powers, indeed, were not withdrawn, but a change was made of the person to whom they were entrusted. Sir Robert Harland was appointed to succeed Sir John Lindsay, and the Court were informed that such instructions had been given him as left "no reason of apprehension to the Company."

In the meantime, the government of Madras had become involved in hostilities with Tanjore. These arose out of disputes between the Rajah of that country and Mahomet Ali. The fortress of Vellum was attacked, and taken; the city of Tanjore was besieged, and would probably have fallen, had not a premature peace been concluded by the son of Mahomet Ali. The conditions agreed to by the Rajah of Tanjore not being performed within the stipulated time, hostilities recommenced. They termi-

CHAP. VIII.

nated in the surrender by the Rajah of the fortress of Vellum, and the districts of Coiladdy and Elangad.

The new plenipotentiary, Sir Robert Harland, had arrived in August, 1771. Notwithstanding his alleged instructions were such as to leave "no reason of apprehension to the Company,"* his conduct was even more officious and dangerous than that of his predecessor. He entered into negotiations with the Mahrattas, and involved himself in endless disputes with the governor and council. He finally departed, in great wrath, having neither offered to the governor nor received from him the courtesies usual on such an occasion. On the folly which sanctioned two rival English authorities in India, each thwarting the other, and thus tending to destroy all respect for the nation to which they belonged, it would be useless to dilate. It is sufficient to observe, that it was one of the weakest and most reprehensible acts of a ministry, whose confidence in themselves was equalled only by the distrust with which they were universally regarded.

A. D. 1771.

The annoyance which the governor and council received from the conduct of Sir Robert Harland was not the only source of disquiet to them. Sir Robert Fletcher, it will be remembered, had been concerned in the mutinous proceedings in Bengal, and for this offence he had, under the sentence of a

* Letter from Lord Rochford, one of his Majesty's secretaries of state, to the Court of Directors, 20th April, 1771.

court-martial, been most justly dismissed the service. The proprietors, however, had thought proper to restore him—a most ill-judged exercise of lenity. Sir Robert Fletcher could not plead want of experience in extenuation of his guilt, and that guilt was greatly aggravated by his rank. It was particularly his duty to set an example of military obedience to those whom he commanded. When that duty was forgotten, and the influence of his rank given in aid of the cause of mutiny, neither the crime nor the danger was of ordinary character.* These obvious truths were, however, forgotten or cast aside in the zeal of personal friendship. Sir Robert Fletcher, on his restoration, was appointed to the chief command, and to a seat in council at Madras. There he soon became involved in violent disputes with the governor. Being ordered to Trichinopoly, he applied for a passage to England, in order, as he represented, to attend his duty in parliament, of which body he was a member. He was informed, that when he had set an example of military obedience, any representation from him would

* To give a pretence for the restoration of Sir Robert Fletcher, the proceedings of the court-martial were referred to General Lawrence and General Calliaud. The revision of the sentence of a court-martial by two private officers having no authority whatever to give an opinion on the subject, was extraordinary, and the conduct of the revisers was not less so. Unable to find reasons in the evidence submitted to them to justify the recommendation which they were expected to give, they extended their inquiries to that which had never been referred to them; and in regard to Sir Robert Fletcher's former services, recommended that he should be restored.

CHAP. VIII.

receive due attention. The lesson which he had already received was probably not lost upon him—he proceeded to Trichinopoly, and took charge of the fortress. The council then passed a resolution, that out of respect and veneration for the House of Commons and their privileges, no impediment should be offered to the immediate return of Sir Robert Fletcher to the discharge of his duty in that assembly.

Before this transaction, the government of Madras had been engaged in aiding Mahomet Ali to punish certain Polygars who had offended him. They soon afterwards gratified him, by making war upon Tanjore. The country was subdued, and the Rajah made prisoner. Space cannot be afforded for a minute inquiry into the justice of this war, but it was at least questionable. Mahomet Ali had long thirsted for the possession of Tanjore, and the English government at length indulged him by its conquest. The Dutch had purchased of the Rajah the town of Nagore and its dependencies; but their retention of the purchase was alike disagreeable to the English and the Nabob, and an arrangement was made for its surrender.

It is now necessary to glance at the affairs of Bengal subsequently to the departure of Clive. The government of Mr. Verelst, who succeeded to the chair, affords little deserving of notice. He interfered to protect the Emperor and the Vizier from a menaced invasion by Abdalee Shah, projected an unsuccessful expedition to Nepaul, and concluded a

new treaty with the Vizier. Mr. Verelst was succeeded by Mr. Cartier, the principal events of whose administration were a dreadful famine, and the death of the Nabob Syef-al-Dowlah of small-pox. The Nabob was succeeded by his brother, Mobarik-al-Dowlah, a boy about ten years of age. On the departure of Mr. Cartier, his place was occupied by Warren Hastings, who had been brought from Madras for the purpose of succeeding to the chair, of which he took possession in April, 1772. Among the earliest A. D. 1772. acts of his government was one little calculated to secure, either to himself or his country, the confidence of natives of rank. For this act, however, he was not responsible; it was forced upon him by the orders of his superiors. The Court of Directors were dissatisfied, and not without cause, with the financial results of their government in Bengal; and they had resolved to discontinue the use of the machinery through which the office of dewan had hitherto been exercised—to dispense with the native agency, which it had been deemed necessary to maintain at the head of the revenue department, and to commit to European servants the discharge of the functions with which the Company had been invested by the Emperor. But this was not all. Reports prejudicial to the character of Mahomed Reza Khan had reached the Court of Directors. They had travelled through no regular or respectable channel, and originated, it is believed, in the intrigues of Nuncomar. Unhappily, the Court of Directors listened to them; and orders were sent

CHAP. VIII.

out to seize Mahomed Reza Khan, his family, partisans, and adherents, and detain them in custody till his accounts should be duly examined. Hastings lost no time in executing these orders; and among the parties apprehended was the gallant native Shitabroy, whose services to the English might have saved him from such an indignity. Although the Court of Directors seem to have been aware of the character of Nuncomar, they relied in a great degree upon evidence which he was expected to produce for establishing the charges against his rival. His zeal, indeed, could not be questioned; and Hastings enlivened it by appointing his son, Goodias, treasurer of the Nabob's household. This appointment Hastings defended, upon the ground that the young man thus favoured was of a character opposite to that of his father—placid, gentle, and without disguise; and that Nuncomar had no authority but that arising from his ascendancy over the mind of his son. There can be no doubt that the honour bestowed on the son was virtually bestowed on the father; and that the influence of an able, intriguing, and unscrupulous man like Nuncomar, would be unbounded over the mind of one in whom the habit of filial respect had prepared the way for the ready surrender of his judgment, and who possessed no share either of the ability or the guile of his parent. Hastings, however, could be little disposed to trust Nuncomar, and there is no reason to conclude that he then entertained any hostile feeling towards Mahomed Reza Khan. As far as can be discovered,

he was actuated only by a desire to carry out the views of his employers; and in the means which he adopted to conciliate Nuncomar, without, as he believed, trusting him, his judgment was probably more to be blamed than his intentions. The inquiry into the conduct of the deposed Naib advanced slowly, and the confinement of himself and his associate Shitabroy, in consequence, was protracted. Hastings alleged the vast influence of the chief prisoner, and the necessity of breaking it before any efficient proceedings could be adopted, as the reasons for postponing them. Though tedious, the inquiry was probably fair; for Mahomed Reza Khan was acquitted. Shitabroy participated in the acquittal, and was dismissed with extraordinary marks of honour. But these were ineffectual to their intended object of soothing his wounded spirit. He died shortly afterwards, and his death is attributed to the combined influence of grief and of the debilitating effects of the climate of Calcutta.*

The Nabob was a minor, and in the abolition of previous authorities it became necessary to make provision for his guardianship. The choice made by Hastings of a guardian for the infant prince was certainly an extraordinary one. In such a state of society as that which prevails in India, where women of rank never emerge from seclusion, excepting under very extraordinary circumstances, it could scarcely have been anticipated that a female would be selected for an office of state, and still less such

* Scott's History of Bengal, page 453.

CHAP. VIII.

a female as was chosen for the guardian of the Nabob. The object of the governor's choice was Munny Begum, a favourite inmate of the harem of Meer Jaffier, the mother of Noojum-ad-Dowlah, but not of the reigning prince. Hastings defended this step, on the ground that the only man who could pretend to the trust was the brother of Meer Jaffier; and that, as he had a numerous family, the influence of his own ambition or that of his sons might be dangerous to the life of the young Nabob. There is undoubtedly force in this objection; but if a regard to the safety of the young Nabob rendered it advisable to seek a guardian from the gentler sex, there seems to have been no reason for excluding from the trust the prince's mother, who was yet living, and against whom no exception appears to have existed. The character of the person actually chosen was not such as to justify the irregularity of setting aside the superior claims of the Nabob's mother. Previously to obtaining the favour of Meer-Jaffier, Munny Begum had been a public dancing-girl, and in the exercise of this occupation had attracted the notice and won the affections of the master of Bengal. Her reputation, it is not to be presumed, was either better or worse than that ordinarily maintained by the class of persons to which she belonged—and the character of the dancing-girls of India is too well known to need description. It is not surprising that, when the annals of the Indian government were afterwards assiduously searched, to find matter of accusation against Hastings, this extra-

ordinary appointment should have given rise to one of the charges preferred against him. It has never been satisfactorily explained, and seems incapable of reasonable explanation. If honestly made, it was most discreditable to Hastings's judgment: in whatever light contemplated, it is a blot upon his administration, and it was one of the main sources of the disquiet of his after-life.

But it was not matter of internal regulation only that called for the attention of the governor. The Emperor had repeatedly pressed for the assistance of the English to enable him to march to Delhi, but had invariably been refused. In the Mahrattas he found more complacent allies. By them he was conducted to the place where his ancestors had indeed been sovereigns, but where, however his situation might be disguised, he was but the shadow of a prince. The Mahrattas never work without their price; and part of the payment of their services to the Emperor was the transfer to them of the districts which had been assigned for his support in his arrangement with the British Government. That government now resumed the districts, a measure not unjustifiable, as they had been transferred to their enemies. It was, at the same time, resolved to discontinue the payment of the annual tribute to the Emperor. This, too, as a temporary expedient, while the Emperor was leagued with a power dangerous to the British Government, or rather was entirely at the mercy of that power, was a measure of ordinary precaution. But it was not as a tem-

CHAP. VIII.

porary expedient that this measure was adopted. It was laid down by the governor and council as an express condition of any future arrangement with the Company, that the Emperor should be required to renounce his claim both to the arrears of the tribute and to all future payments for ever. This, it was urged, would be only a just recompense for defending against the Mahrattas his possessions in Korah and Allahabad, in the event of their being restored to him. Another reason was assigned for this proceeding, and, in the opinion of the governor and council, one of even greater weight than the former. "We are justified," said they, "by the stronger plea of absolute necessity, in insisting upon it, as our revenues are utterly unable to support any longer so ruinous an expense."* "Indeed," they observed, in addressing the Court of Directors in answer to some complaints which had reached that authority, "the state of our treasury rendered it impracticable to comply with these payments, or with those which he (the Emperor) would doubtless have continued to demand in full of his stipend, as it was then empty of cash; besides that, the great amount of our debt at interest required our first attention to its diminution and the immediate discharge of the interest upon it, instead of squandering away the wealth of the Company on a pageant of authority from which you can never

* Instructions to Hastings on his departure to negotiate with the Vizier.

derive any real benefit."* No minute scrutiny into the motives of the discontinuance of the Company's stipend will be necessary. That which had dictated the policy of Vansittart, decided also that of his successor, Hastings. An empty treasury had led to the dethronement of Meer Jaffier, and the same cause deprived Shah Allum of that by which thrones are supported.†

* Secret Letter from Bengal, 10th December, 1772.

† The discontinuance of the Emperor's stipend was not a sudden thought. It appears to have been long meditated as a resource under financial embarrassment, and it is painful to find such language as the following addressed to the Government of Bengal from home; it occurs in the course of some instructions relating to the withdrawal of a brigade which had been stationed at Allahabad. After giving orders for this step, the letter proceeds thus:—"The effects that we look for, from withdrawing the brigade, will be either that the King will put himself in Shoojah-ad-Dowlah's power, follow the brigade, or fling himself into the arms of the Mahrattas, or any other power who will give him hopes of an army to conduct him to Delhi, either of which would be far more eligible than the present jarring system. If he put himself into Shoojah-ad-Dowlah's power, he, as vizier, will possess himself of the power of disposing of his revenues and of the royal authority, and we shall be no longer embarrassed with his machinations to excite us to a rupture with Shoojah-ad-Dowlah; if he flings himself into the hands of the Mahrattas, or any other power, we are disengaged from him, and it may open a fair opportunity of withholding the twenty-six lacs we now pay him; but the most eligible for us would be to have him follow the brigade into the Behar province. In that case, you must inform Shoojah-ad-Dowlah that, by virtue of the treaty of Allahabad, we, as guarantees, esteem the King's possessions under our immediate protection, and that we shall repel any attempts that he may make to possess himself of them. But, though this language is to be held, we do not mean that you should engage in a war with Shoojah-ad-Dowlah, even though he should possess himself of the King's

CHAP. VIII.

The Bengal Government had assigned as one reason for depriving the Emperor of his stipend, the expenses incurred in defending his territorial possessions. They had recorded their opinion, that if the Emperor should make overtures for renewing his alliance with the Company, his right to reclaim the districts formerly assigned to him could not be disputed. Notwithstanding the avowal of these views, the territory was disposed of with no greater ceremony than the stipend. The motive which was the most powerful in leading to the discontinuance of the latter prompted also to the transfer of the

possessions; no interest of the King being of that importance to us as to plunge us into a war."—Company's Select Letter to Bengal, 11th November, 1768.

The unfortunate Emperor had evidently for some time been regarded as an incumbrance. It was an object to get rid of the tribute, if possible; but if that could not be accomplished, at least to secure its expenditure within the British possessions. In a letter, written more than two years after the former, this part of the subject is resumed. The Government are directed to recommend to his Majesty to take up his residence within the British provinces, with a view to his personal safety; and they are thus further instructed:—"To this plea must be added the ill effects of the continual drains of the specie of Bengal, on account of his annual tribute, which, when carried beyond our possessions, must in a great degree be lost to the necessary circulation, and may prevent that punctuality in our remittances which we have hitherto maintained, and may in time wholly incapacitate us from fulfilling the stipulations we are so desirous to preserve inviolate."—General Letter to Bengal, 10th April, 1771.

The return made to the Emperor for the gift of the dewanny was certainly not the most gracious. It is true that the favour only gave the appearance of a legal title to power that was actually in our possession; but the imperial *fiat* was greatly coveted, and ought to have been duly remembered.

former. The Emperor's districts of Korah and Allahabad were ceded to the Vizier in consideration of fifty lacs of rupees, twenty of which were to be paid without delay, and the remainder within two years. In addition to these payments, better terms than had previously been obtained were secured for the use of the British troops to be subsequently employed in the service of the Vizier. This advantage was important to the British Government, and the service of a British force was at that time ardently desired by the Vizier. He entertained designs of invading the Dooab, and attacking the Rohillas, and was desirous of obtaining the assistance of the English Government in these attempts. They declined giving him any assistance towards the former, but were not indisposed to aid him in the latter.

The ground of the proposed invasion of the Rohilla territory was the non-fulfilment of certain pecuniary stipulations entered into by the Rohilla chiefs with the Vizier in consideration of his intervention to drive away the Mahrattas. The Rohillas were backward in completing their arrangements, and the Vizier had thus a plausible cause for war.*

* How far a just one is uncertain, as different accounts are given of the transaction out of which the war arose. In Appendix No. 21 to the Fifth Report of the Committee of Secrecy of 1781, there appears the following alleged translation of an agreement on the part of the Rohilla sirdars with the Vizier, professing to be sealed in the presence of Sir Robert Barker, the commander of the English brigade:—"The Vizier of the empire, Shoojah-ad-Dowlah, shall establish the Rohilla sirdars in their

CHAP. VIII.

But his designs extended beyond the mere enforcement of his pecuniary demands upon the Rohillas:

different possessions, obliging the Mahrattas to retire, either by peace or war; this to depend on the pleasure of the Vizier. If at this time, without either war or peace, the Mahrattas, on account of the rains, shall cross, and retire, and after the expiration of the rainy season they should again enter the country of the Rohillas, their expulsion is the business of the Vizier. The Rohilla sirdars, in consequence of the above, agree to pay forty lacs of rupees to the Vizier in the following manner: as the Mahrattas are now in the country of the Rohilla sirdars, the Vizier of the empire shall march from Shawabad as far as may be necessary to enable the families of the Rohillas to leave the jungle and return to their habitations; ten lacs of rupees, in specie, in part of the above sum, shall then be paid, and the remaining thirty lacs in three years from the beginning of the year 1180 Fussuli."

This agreement is repeatedly referred to in the English official correspondence. Sir Robert Barker, in a letter to the select committee, dated 24th March, 1773, says: "Yesterday I had a visit from Hafiz Rehmut and his excellency the Vizier, when the situation of the affairs of the Rohillas was debated. The coming in of Hafiz has assuaged his excellency a good deal, and upon condition of the Rohillas immediately clearing off the last year's treaty of forty lacs of rupees, it has been determined to afford their families and country protection from the ravages of the Mahrattas, of which the Nabob [vizier] is to pay the Company twenty lacs for the part they will take in their protection; but, in default of the fulfilling of this agreement by the Rohillas, his excellency agrees to pay the sum of fifty lacs of rupees to the Company for their aid in putting him in possession of the Rohilla districts, commonly known by the territories of Hafiz Rehmut." The select committee, by letter, dated the 15th April following, authorized Sir Robert Barker to accept the offer of half the forty lacs for aiding in protecting the country from the Mahrattas, but forbade him to proceed further with regard to the remaining part of the Vizier's purpose without fuller instructions. Such is the English account of this arrangement. In a life of Hafiz Rehmut Khan, written by his son, an abridged translation of which has been published by the Oriental Transla-

he meditated the conquest of the country, and its annexation to his own dominions. In this project

tion Fund, the transaction is thus related :—"A second deputation was sent, when the Mahrattas agreed to accept forty lacs of rupees, provided that Shoojah-ad-Dowlah made himself responsible for the payment. The Nawab [vizier] declined entering into such an engagement, unless Hafiz gave him a bond for the money, adding that he would not have acted as mediator but from regard to Hafiz, whose country was now invaded. The whole of the Affghan sirdars entreated Hafiz to consent, promising to contribute their quotas towards its discharge, on which the deed was executed; and Shoojah-ad-Dowlah having made himself responsible to the Mahrattas, they quitted Kutheir. . . . . When Hafiz Rehmut arrived at Bareilly, he sent from his own treasury five lacs of rupees to Shoojah-ad-Dowlah, in part-payment of his bond, but each of the sirdars pleaded poverty in excuse for the non-fulfilment of their engagement."—Life of Hafiz, pages 99, 100.—The subsequent history of the transaction is thus given :—"At this period the vakeels of Mahajee Scindia and Tookoojee Holkar waited on Hafiz Rehmut with a message from their masters, purporting that it was their intention to attack Shoojah-ad-Dowlah, and proposing that, in the event of Hafiz joining the confederacy, half the country which they might wrest from the Nawab [vizier] should be given to him ; or, if he preferred remaining neuter, they would make over to him Shoojah-ad-Dowlah's bond for the forty lacs of rupees, on condition of his not opposing them while crossing the Ganges, or during their march. They, moreover, added, that in the event of his rejecting both these propositions, the Mahrattas would lay waste and plunder his country. Hafiz answered, that through life he had made it a rule never to join the infidels in opposing the faithful; that he would not be allured into a deviation from the path of duty by their tempting offers, and that he was ready to stand by the consequences which might ensue from such a decision. Hafiz Rehmut made known to Shoojah-ad-Dowlah the propositions of the Mahrattas, said that he would without delay prepare his army to take the field, advised the Nawab [vizier] to lose no time in guarding the Ghauts, and concluded by requesting the return of his bond, as the money, for the payment of which Shoojah-ad-Dow-

CHAP. VIII.

the governor of Bengal was desirous of engaging, although he felt that the question involved very

lah had made himself responsible, had not yet been sent, nor could it be supposed that the Nawab [vizier] would now consider his engagement binding; as a necessary consequence of which, his claim on Hafiz ceased. Shoojah-ad-Dowlah dispatched Syyud Shah Muddun, as his vakeel, to express how much he felt indebted to Hafiz for his conduct on the occasion, to communicate to him the arrangements which had been made for the assembly of the army, and to promise the restitution of the bond as soon as the Mahrattas were defeated." Pp. 107, 108. "Hafiz Rehmut, with only two thousand men, marched to Asubpore; but in the evening he was joined by Mohiboolla Khan and Moostukeem Khan, with seven thousand men, and during the night several other sirdars arrived; so that his force amounted to about twelve thousand horse and foot. Still the officers were unwilling to engage till a messenger arrived from Shoojah-ad-Dowlah, to desire an immediate junction with his army, as he proposed to attack the Mahrattas without delay. The troops were immediately put in motion, and in the general action which ensued, the Mahrattas were completely routed." Page 109. "On the return of Shoojah-ad-Dowlah to Oude, Hafiz sent Mahomed Khan and Abdoollah Khan to demand the restitution of his bond. The Nawab [vizier] denied having made any promise to restore it, or having authorized his vakeel so to do. The agents of Hafiz urged the generosity of their master's conduct in refusing the tempting offers which had been made to him by the Mahrattas, and produced the Nawab's [vizier's] letters, whereby he bound himself to abide by the engagements entered into by his vakeel; they therefore insisted that the vakeel should be called in, to declare whether or not he had, on the behalf of the Nawab [vizier], engaged to restore the bond as soon as the Mahrattas were defeated. Shah Muddun was accordingly summoned, and declared that he had made the promise by authority from the Nawab [vizier]. This the Nawab denied; and Shah Muddun, indignant at being charged with falsehood, retorted it on Shoojah-ad-Dowlah. The agents of Hafiz supported the Shah, and expressed freely their opinions of the Nawab's [vizier's] duplicity, and the parties separated in anger. Mahomed Khan and Abdoollah Khan returned to Bareilly, and reported the ill success of their mission;

heavy responsibility. It appears not, however, that a regard to the justice of the project at all embar- CHAP. VIII.

but Hafiz did not find it convenient to come to an open rupture with the Nawab [vizier], and was therefore obliged to stifle his resentment." Pp. 110, 111. "At this time, Shoojah-ad-Dowlah was engaged in an attempt to expel the Mahrattas from the pergunnahs of Etawah and Shekoabad, to which Hafiz objected, stating that these pergunnahs had been given to his family by Ahmed Shah Dooranee; and although by the chances of war he had been compelled to relinquish them for a time, yet that he had by no means given up his claim to them; that even at this moment he had it in contemplation to send a military force for the expulsion of the Mahratta aumil; and that Shoojah-ad-Dowlah's present conduct was highly ungenerous, and inconsistent with the friendship which had so long subsisted between them. The Nawab [vizier] replied, that the pergunnahs in question having been conquered by the Mahrattas, the claim of Hafiz, on the plea of a gift from the Shah, had entirely ceased; that he felt himself as much at liberty to invade these pergunnahs as any other part of the Mahratta territory, and that having been successful, he should not relinquish the conquest. Hafiz again urged the point in stronger terms; when the Nawab [vizier] told him, that he would consider about the restoration of the pergunnahs, and in the meantime desired that Hafiz would discharge the balance of thirty-five lacs of rupees due on his bond; but this was merely to afford him a pretext for invading Kutheir, and for this purpose he began to assemble his army. As Hafiz Rehmut had, during the last few years, lost his best officers, and could place little confidence in those who remained, he was conscious of his inability to oppose Shoojah-ad-Dowlah, and therefore offered to pay as much of the forty lacs as the Nawab [vizier] had paid to the Mahrattas; but this proposition was rejected, and, with a British force in addition to his own, Shoojah-ad-Dowlah advanced to the Ganges. Puhar Sing, the dewan of Hafiz, strongly advised his master not to risk a battle, and offered to find funds for the payment of the thirty-five lacs of rupees, if Hafiz would permit him to wait on Colonel Champion, through whose mediation a reasonable period for discharging the debt might be fixed; but Hafiz said, that as he had not the money, and as none of the sirdars

CHAP. VIII.

rassed his consideration of its expediency. This is no uncharitable surmise, for his reflections on the

were willing to contribute towards the payment, he would not borrow, and was prepared to die in defence of his country. Puhar Sing again offered to procure the money from some Muhajins, but Hafiz would not consent, observing, that as he must die some time, he could not fall in a better cause." Pages 112, 113.

The account of the native witness is very circumstantial, but there is no opportunity of subjecting him to cross-examination. Some circumstances in his narrative seem improbable, more especially the presumption of Shah Muddun in affirming that which his master denied, and, as it would appear, without any stronger motive than a regard for truth. In some letters from Sir Robert Barker, written before the conclusion of the treaty above quoted, reference is made to a project entertained by the Vizier of acting as a mediator between the Rohillas and the Mahrattas, his design being to obtain a large sum from the former, and to give a small one to the latter. In another letter, dated the 10th May, 1773, Sir Robert Barker says :—" In consequence of the retreat of the Mahrattas towards the Jumna, the Rohillas are but little inclined to perform their agreements, and already begin to hesitate from motives that they deem the defence offered their country by the English forces and the Vizier equally necessary for the protection of his Excellency's dominions, and that no terms of accommodation have been settled with the Mahrattas, by which only a permanent peace and security to their possessions can be insured to them;—that the Mahrattas may return to them the next season, and with equal propriety demand the performance of their treaty with them for thirty-five lacs; will we, in that case, be answerable to defend their possessions or procure an established peace between them and the Mahrattas?" This seems to favour the native account of the transaction. The case is further embarrassed by a statement of Colonel Champion, made four days before the battle with the Rohillas, and which, moreover, is at variance with the assertion in the native account that Hafiz then refused to negotiate. Colonel Champion says :—" Since my letter of the 17th to the Governor, Hafiz Rehmut has, by letter, expressed earnest inclinations to come to an accommodation with the Vizier, which has been the cause of my halting here to-day.

subject are upon record. He thought that the Rohillas were dangerous to the Vizier, "the only useful ally of the Company;" that they could not be relied on to oppose the Mahrattas, but, on the contrary, were likely to join with that power in attacking Oude; that the acquisition of the Rohilla country would be very beneficial to the Vizier and the Company, inasmuch as it would strengthen the frontier of the former, without rendering the country less accessible to the forces of the latter—would give the Vizier wealth, of which the Company might expect to partake, and security, without dangerous increase of power. Lastly, he thought of forty lacs of rupees, which the Vizier had promised as the immediate reward of the desired service, and of the advantage of having a large portion of the Company's army supported at the expense of their ally, which while thus ceasing to be a charge upon the Company's finances, would be "employed usefully for their interests, and conveniently for keeping up its own discipline and practice in war."*

Still he hesitated: the circumstances of the times seemed to demand caution. He reminded the Board

The Nabob [vizier] claims no less than two crores of rupees, and unless he greatly abates his demand, it is not likely that an amicable decision can take place." How the forty lacs had become swelled to two crores is not explained. On the whole, this may be regarded as a striking instance of the difficulty of ascertaining with exactness the truth of the details of Oriental history.

* See Minute of the President, Select Consultations, 26th Nov. 1773, published in Fifth Report of Committee of Secrecy, 1782.

CHAP. VIII.

of the public clamour which prevailed at home, of the notice which Indian affairs obtained in parliament, and of the avidity with which the ministers of the Crown would seize upon any false step in the approaching negotiations for the renewal of the Company's charter. With reference to all these considerations, it was finally determined not to decline the invitation of the Vizier, but to give such an answer as would probably induce him to withdraw it.* The conduct of the Vizier was nearly as undecided as that of the British Government. For a time he refrained from further calling on them; but, after a brief interval, he laid claim to their assistance. The English brigade, under Colonel Champion, was accordingly put in motion; and on

A.D. 1774.

the 23rd April, 1774, gave battle to the Rohillas, and gained a complete victory over an army of about forty thousand men, commanded by Hafiz Rehmut Khan. About two thousand of the enemy fell on the field; more than fifty pieces of cannon were taken, and standards without number. The Vizier manifested the most dastardly pusillanimity. The night before the battle, he refused Colonel Champion the use of some pieces of cannon for which he applied, and urged him to decline the fight. Finding the British commander inexorable on the last point, he promised to support him with all

* There had previously been some personal communication on the subject between the Vizier and the English governor; but it had not produced any result, except a slight modification of the bargain for the sale of the Emperor's territories.

his force, and especially with a large body of cavalry, to act under Colonel Champion's directions. Instead of this, he remained inactive at some distance from the field, surrounded by his cavalry, and with a large train of artillery unemployed, till the news of the enemy's defeat reached him. His cavalry then moved with admirable celerity, pushed into the enemy's camp, and carried off immense plunder, in treasure, elephants, camels, camp equipage, and other effects. The Company's troops, justly indignant at the conduct of those of the Vizier, are said to have exclaimed—"We have the honour of the day, and these banditti the profits."*

The contest was now virtually decided. The obstinate determination of a chief, named Fyzoolla Khan, occasioned the united armies to make a movement against him; but the business was settled by negotiation, and the Vizier was placed in quiet possession of his new territory. His acquisition cannot be regarded in any other light than as an unrighteous conquest, and the English Government must bear their share of the guilt attending it. In extenuation, it has been urged that the Rohillas formed but a small portion of the inhabitants of the country, that their possession of it was not of long standing, and that it had been acquired by the same means by which it had been lost. All this is true: the Rohillas were enterprising Affghan adventurers, who had reduced to subjection a comparatively feeble Hindoo

* Colonel Champion's Letter to Government, 24th April, 1774.

CHAP. VIII.

population, who still constituted a vast majority of the inhabitants of the country. Before the invasion of the Vizier, these were victims of Mahometan usurpation; and after its success, they remained the same. But it does not appear that they invited foreign assistance to rid them of their first oppressors, nor that they were in any way benefited by the change. Consideration for their welfare certainly formed no element in the calculations of either the Vizier or his European ally.

While these transactions were taking place, the affairs of India were discussed at home with an unusual degree of interest and excitement. The Company were unable to meet their engagements with the public, and were even compelled to apply to Government for a loan. Borrowers are seldom regarded with much favour; their errors never escape condemnation, and not unfrequently their misfortunes are converted into crimes. In this case, too, the public disappointment was great. The riches of India was a phrase which had passed into a proverb, and the possession of a large portion of a country, which was supposed to overflow with wealth, was looked to as an infallible restorative of the dilapidated finances of Great Britain. It was astounding, therefore, to learn that, from some cause, the countless treasures of India did not find their way home—or, at least, not into the coffers of the Company; for it was a startling fact, that while the Company was needy and embarrassed, many who had entered their service poor, quitted it, not merely

with competent means of support, but with fortunes rivalling those of the most opulent members of either the aristocracy or the monied interest. These instances of well-requited service confirmed the belief in Indian wealth—to the popular mind it was still evident that India abounded in riches, though, from some extraordinary ill fortune, or ill management, the Company did not succeed in obtaining their share. The envy excited by these sudden acquisitions of opulence and grandeur, added to the unfavourable feeling engendered by the embarrassments of the Company, and the parliament, the press, and the conversation of men of all ranks and parties, found a never-failing supply of matter for discussion and invective in the alleged mismanagement of the affairs of India, and the enormous wealth brought from that country by those who had been officially connected with it. At no period before or since has the subject attracted so much interest. India, for the most part, has been a word that has fallen on the public ear almost unheeded. It was then invested with a spell which commanded universal attention, and converted it into the means of universal excitement.

About the time that Hastings took possession of the seat of government at Calcutta, two committees were appointed by the House of Commons to inquire into the affairs of the East-India Company—the one secret, the other open.* The Company

* The fact of two committees sitting contemporaneously on the same subject provoked the sarcasm of Burke. He said, on one occasion: "Sir, when the Company is thus tender of encroach-

CHAP. VIII.

proposed to send out a superintending commission, but a parliamentary negative prevented the accomplishment of their purpose. The ministers were ready to relieve the embarrassments of the Company by a loan, but they were not less ready to take advantage of their position and that of the Company by prescribing their own terms. The claim of the Crown to four hundred thousand pounds per annum was to be suspended till the loan was repaid; but, in other respects, the Company regarded the proposed conditions as harsh, and even as inconsistent with their corporate rights. They resisted, but with the usual fortune of those who resist a ministerial majority.

ing upon any of our rights, is it not cruel, is it not ungenerous in administration to harass it with two committees—with a committee of secrecy, founded on the principles of the Inquisition, and with a select committee, which is declared by one of its friends to be a mockery of the Company? A gentleman who generally votes with the administration finds the bill to be illegal, inexpedient, and alarming, and he finds the secret committee to be an inquisition, too rapid and violent in its motions. Another friend of the ministry declares the select committee so slow in its progress as to be a perfect mockery. What is to become of the Company between both? I protest I can compare them to nothing but a jack. The select committee is the slow-moving weight, the secret committee is the flyer, and what with the slow motion of the one, and the rapid motion of the other, the Company is effectually roasted." Sir William Meredith, in answer, said: "The honourable gentleman compares the two committees to a jack. He says the secret one is like the flyer of the jack, and the other like the weight. I agree with him in the simile, but draw a very different conclusion. Sir, between the ponderous weight at one end, and the quick motion of the flyer, the dish is prepared, and rendered fit for digestion."—Debate, 18th December, 1772.

The minister declared that, though the Company should decline the loan, parliament would, nevertheless, interfere for the regulation of their affairs.* Parliament did interfere, and most extensively. The plan for a superintending commission had been rejected; but it was not the intention of the minister to permit the government of India to remain as before —that which he had refused the Company the power to do he meant to do himself. The Company had been occupied in preparing a plan for the improvement of the administration of justice in Bengal. This task, too, was seized by the minister. The question of territorial right he expressed himself unwilling to agitate; but a series of resolutions, proposed in the House of Commons by General Burgoyne, chairman of the select committee, were carried, the first of which declared "that all acquisitions made under the influence of military force, or by treaty with foreign princes, do of right belong to the state."† The views of the ministry

* Speech of Lord North, 17th May, 1773.

† The immediate and professed object of this resolution was not the determination of the respective claims of the Company and the state—it was the first of three, based on the report of the committee, and intended primarily to apply to the conduct of Clive and others, who benefited irregularly by their connection with the government of Bengal. The second and third resolutions were, "2nd. That to appropriate acquisitions so made to the private emolument of persons intrusted with any civil or military power of the state is illegal. 3rd. That very great sums of money and other valuable property have been acquired in Bengal from princes and others of that country by persons intrusted with the military and civil powers of the state, which sums of money

CHAP. VIII.

were finally embodied in a bill presented to parliament. By this bill the government of Bengal was to be vested in a governor-general and four councillors, and to this authority the other presidencies were placed in subordination. A supreme court of judicature was to be established at Calcutta, to consist of a chief justice and three puisne judges, who were to be nominated by the Crown, but paid by the Company. The first governor-general and members of council for Bengal were to be named in the act—they were to hold office for five years, and during that period to be irremovable, except by the Crown, on representation of the Court of Directors. Vacancies were to be supplied by the court subject to the approbation of the Crown. Other provisions affecting the constitution of the Company and the rights of proprietors were introduced. Every proprietor of £500 stock had one vote in all proceedings of the Company, and no amount of stock entitled the holder to more. It was now proposed to raise the

and other valuable property have been appropriated to the private use of such persons." On a subsequent day, a resolution, declaring that Lord Clive had obtained money to the amount of £234,000, was moved and carried. It was proposed to follow this resolution by another of a condemnatory character, but the previous question was moved and carried; after which, the friends of Lord Clive succeeded in carrying a resolution, declaring "that Robert Lord Clive did, at the same time, render great and meritorious services to the country."

Though Clive was thus relieved from all apprehension of penal visitation or pecuniary loss, the excitement of the inquiry, and the obloquy to which it exposed him, probably affected his mind. He died by his own hand a few months afterwards.

qualification for voting to £1,000, and to give to holders of larger sums a plurality of votes; £3,000 was to entitle the possessor to two votes—£6,000 to three—and £10,000 to four.

These proposals were received by the Company with a storm of indignation. A petition to the House of Commons, complaining in strong terms of various provisions in the bill, was submitted to the proprietors, and, on a ballot, adopted by four hundred and forty votes against fourteen. It denounced the bill as destructive of every privilege which the Company enjoyed under the most sacred securities, and as affording a precedent dangerous to the property of the people at large; complained of the appointment of officers by parliament, vested with the whole civil and military authority of Bengal, and with a power of superintending the other presidencies, which officers the Company had no means of recalling, and over whom they could exercise no real control, while the territorial possessions were, notwithstanding, declared to be still vested in the Company, and prayed the House not to give its sanction to an act which, under the colour of regulating, would "annihilate at once the powers of the Company, and virtually transfer them to the Crown;" it represented the bill as destructive of the rights and interests of the Company in many other respects, and at the same time defective in many of the purposes for which it was declared to be framed, and as tending to destroy the liberties of the subject by making an immense addition to the influence

CHAP. VIII.

of the Crown; deprecated the forfeiture of franchise without proof of delinquency, and prayed to be heard by counsel against the bill. The corporation of the city of London also petitioned against the bill, representing it as of dangerous consequence to the franchises of every corporate body in the kingdom—professing to be alarmed by such proceedings, inasmuch as the privileges of the city of London stood on the same security as those of the East-India Company, and alleging that the bill had been brought into the House with a degree of secrecy incompatible with the principles of the constitution in matters of such public concern. Another petition was presented from the proprietors holding a less amount of stock than £1,000, and who would be disfranchised by the bill if it should pass into a law. They urged the hardship of depriving them of a valuable right without just cause, and denied that their disfranchisement would have the effect of suppressing collusive transfers. The Company were heard by counsel against the bill as they had prayed, but the eloquence of the bar seldom shakes the influence of the Treasury-bench. The bill passed the Commons and was sent to the Lords. The Company again petitioned—were again heard by counsel, but with no greater effect than in the lower House. The bill became law, but the hostile sentiments of a considerable number of peers were recorded in two protests.

Besides the provisions already noticed, the act contained many others of greater or less importance.

Among them was one requiring twelve months' possession of stock, instead of six, as a qualification for voting in general courts. By another, it was enacted that the directors should be elected for four years in place of one, and that one-fourth part of the entire number should be renewed annually. It also provided, that all the Company's correspondence relating to civil and military affairs, the government of the country, or the administration of the revenues, should be laid before one of His Majesty's secretaries of state. The receipt of presents by servants, either of the Crown or the Company, was prohibited; and the governor-general, councillors, and judges, were restrained from entering into trade, or deriving profit from it.

The changes effected by this act may now be judged, with a coolness which neither those by whom it was introduced, nor those by whom it was opposed, could possess. The prohibition of the receipt of presents was unquestionably good, but the Company were quite as willing as the legislature to enforce this. Not less beneficial was the provision restricting those by whom the government was exercised from engaging in trade; but this, too, was in accordance with the view of the Company. In reference to the change of circumstances, it was not unreasonable that the political correspondence of the Company should be brought to the knowledge of the ministers of the Crown. The Company were no longer a mere commercial association; they had to administer the affairs of a great kingdom. The ho-

CHAP. VIII.

nour of the British Crown and of the British nation was involved in their performance of this duty, and they might properly be called upon to shew that it was well performed. The change in the period for which the directors were chosen to serve was not unsupported by reason. A tenure of office confined to one year is too brief to encourage the exercise of firmness, vigour, and independence. Its tendency is to promote vacillating councils, and so short a term was, moreover, singularly ill adapted to the peculiar circumstances of the East-India Company. At the time under consideration, a year barely sufficed for the transmission of a despatch to or from India, and the receipt of an answer. The expediency of the judicial changes is less apparent. Some change was undoubtedly called for; but it has often been doubted whether the new court of justice established by this act was adapted to the state of society in which it was erected. Its actual working will hereafter be seen. The practice of collusive transfers was a monstrous evil, calling loudly for remedy. The Company were not insensible of this, and the subject had given rise to much discussion in their courts, before the legislature interfered. It would perhaps be too much to affirm, that the regulations affecting the right of voting have entirely put an end to the practice; and it may be vain to expect that any legislative enactments can effect this desirable object. If, however, with regard to some parts of this act, doubts may be entertained, there is at least one upon which no doubt can exist; it is

that which gave to parliament the power of nominating the first governor-general and members of council. Opinions may differ as to the best mode of appointing such functionaries, but few persons will deny that the mode adopted in this case was among the worst. The nomination of men to office by parliament is an exercise of power without responsibility. The ministers of the Crown are responsible for their acts—the East-India Company, or any similar body exercising political power, is also responsible—but the responsibility of parliament to itself is absurd, and even unintelligible. An appointment by parliament is an appointment by the majority in parliament; and an appointment by the majority in parliament is virtually an appointment made by the ministry for the time being, but divested of that responsibility which, in the ordinary exercise of their patronage, they incur. Whatever results follow, the ministers can neither be punished nor censured; the choice was not theirs, but that of parliament; and while thus enabled to elude responsibility, they have an opportunity of covertly securing an object which it might neither be safe to attempt openly, nor practicable to obtain if so attempted.

With this act begins a new era in the history of the East-India Company. The proceedings of the new government will be detailed in another chapter. Here it is only necessary to observe, that Warren Hastings, then the actual governor of Bengal, was named as the head of the new government.

CHAP. VIII.

Mr. Barwell, a civil servant of the Company, and then in India, was nominated one of the council. The remaining councillors were, General Clavering, Colonel Monson, and Mr. Philip Francis, all of them at the time in England.

CHAPTER IX.

THE members of council who had to proceed from England, as well as the chief justice and puisne judges of the Supreme Court of Judicature, arrived at Calcutta in October, 1774, and on the 21st of that month the new government was publicly proclaimed. The Court of Directors had framed, for the guidance of the governor-general and council, a very long and minute code of instructions, commencing with an injunction to preserve harmony. But from the moment at which the voyagers set foot on the shore of Bengal, it was evident that there was but small ground for hoping that the good advice of the Court would be followed. The reception given by the governor-general to his new associates was in their judgment deficient in respect, for though they received a salute from the battery, it consisted of only seventeen guns, whereas they were of opinion that they were entitled to twenty-one. The minds of all parties were probably well prepared for hostility. The voice of Hastings had previously been all-powerful, and he could scarcely expect to retain in the new council the commanding influence which he had previously enjoyed. He consequently regarded his new coadjutors with little

CHAP. IX.

good-will, while of their capacity for office he formed no favourable judgment. "He seems, without doubt," says his biographer, "to have entertained but an indifferent opinion of the fitness of the individuals selected to work out the new system: he more than insinuates as much in his confidential communications with his friends."* On the other hand, the new members of council were impressed with a high sense of their own dignity, selected as they had been by no less an authority than the voice of parliament to assist in restoring to order and prosperity the embarrassed affairs of Great Britain in the East. Their minds, too, appear to have been filled to overflowing with the prevailing impression of universal misgovernment in India, and the elements of discord were thus abundant. They soon began to ferment. Mr. Barwell was in the interior, and till his arrival the public business and the angry passions of the members of the government alike had rest. The accession of the absent councillor set both in motion. The governor-general laid before the board a minute, containing a relation of the principal events of his own administration, and an exposition of the existing state of the Company's affairs. The Rohilla war and the Company's relations with the Vizier necessarily formed prominent topics in this paper, and out of these arose the first explosion of ill-feeling. Hastings had prevailed upon the Vizier to receive at his court

* Memoirs of the Life of the Right Honourable Warren Hastings, by the Rev. G. R. Gleig, vol. i. page 451.

a British resident, and a gentleman named Middleton had been appointed to the office. Between the resident and the governor many communications had passed, which the latter had not submitted, and did not intend to submit, to his colleagues. General Clavering called for this correspondence, as well as for any of a similar nature between the governor and Colonel Champion. Hastings answered, that he would lay before the board extracts of all parts of the letters, both of the resident and Colonel Champion, which related to public affairs; but as the letters might, and he believed did, contain things not proper for public record, he declined submitting them entire. The general persisted, and was supported by Colonel Monson and Mr. Francis. Hastings recorded a dissent from the decision of the majority—his three opponents protested against his dissent, and within a week after the proclamation of the new government its members were engaged in bitter strife and fierce recrimination. The governor-general continued immovable in his determination not to lay before the board the whole of the correspondence. His opponents no less obstinately adhered to their demand for its production; but as they had no means of enforcing the demand against the will of Hastings, they of necessity were forced to submit. They had, however, an expedient by which they could annoy the governor-general, if they could not conquer him. Colonel Monson suggested the recal of Mr. Middleton. General Clavering and Mr. Francis supported the proposal—Mr. Barwell took

CHAP. IX.

part with the governor-general, but the former three constituting a majority of the board, their views necessarily prevailed, and a resolution for the recal of the resident at the court of the Vizier was passed. Another resolution followed, directing Mr. Middleton to bring with him the whole of his correspondence during his residence at the court of Oude, including all that the governor-general had refused. The next subject of discussion was the choice of a successor to Mr. Middleton. Hastings was requested to nominate some person, but declined. General Clavering then proposed that the duties of the resident should be transferred to Colonel Champion, the officer commanding the brigade on service in Oude. Mr. Barwell objected to the office of resident being united with the chief military command, and the governor agreed in the objection; but Colonel Monson and Mr. Francis supporting General Clavering, his resolution was carried. Hastings was subjected to the mortification of being instructed to write to the Vizier, apprizing him of the removal of a resident whom the writer wished to countenance, and of the appointment of a successor to whom he had objected; but he had the satisfaction of again recording his dissent. The next movement of the opposition party in the council was to propose an immediate demand for the forty lacs which the Vizier had engaged to pay, and for such further sums as might be due from that prince. This demand was to be made by Colonel Champion, and it was proposed to instruct him, that if all the money could not be had,

he was to obtain as much as possible, and security for the remainder; that if the demand should be resisted, he was to protest, and within fourteen days retire into the Company's territory, unless there were difficulty or danger in such a step; that in any case, after the negotiations should be concluded, he should withdraw his force within the limits of the province of Oude, and unless its continuance should be required for the defence of the original dominions of the Vizier, or of Korah and Allahabad, return with it to cantonments at Dinapore. These proposals were opposed by the governor-general and Mr. Barwell, and a war of minutes ensued, consuming much time and covering a vast mass of paper, but ending, as it must have been foreseen by all parties that it would end, in the triumph of Hastings's opponents. The combatants now resolved to appeal to their superiors. On the 30th November, only forty-one days after the landing of the new councillors had been announced, by what they regarded as the stinted measure of honour conveyed by seventeen discharges of artillery, they laid before the board a letter which they had prepared for transmission to the Court of Directors. It consisted of no less than seventy-four paragraphs, some of them of considerable length, and all full charged with denunciations of the governor-general's policy. This document was prepared with a view to its being perused by other parties than those to whom it was addressed. In a note which accompanied the delivery of the letter to the board, the framers of it

A.D. 1774.

CHAP. IX. observe, "the whole of the papers, as they apprehend, must, in obedience to the act of parliament, be transmitted by the Court of Directors to one of His Majesty's principal secretaries of state."

The members of the council of Bengal could not directly address the ministers of the Crown—at least, they could not officially address them; but there can be little doubt that this letter was intended for the ministry, though ostensibly addressed to another authority.* The governor-general, like his adversaries, laid his case before the Court of Directors in a separate communication, and the Court were thus enlightened by three sets of despatches on the same subject—one from the governor-general and council in the usual form, another from the governor-general only, and a third from three members of the council. Mr. Barwell, though agreeing with the governor-general, declined to become a party to his appeal. Regarding such communications as irregular and improper, he contented himself with recording a minute expressing that opinion, and stating his general concurrence in the views of the governor-general.

Whatever opinion might be formed of the justice or policy of the Rohilla war, whatever views might be entertained of the disposition of the Vizier to fulfil his engagements, the course forced upon the governor-general by the majority of the council was

* Both parties probably addressed the ministers privately. Hastings certainly did. See a Letter from him to Lord North, in Gleig's Memoirs, vol. i. page 471.

obviously unwise. It was the dictate, not of a cool and deliberate consideration of the circumstances of the case—not of an honest judgment, sound or unsound—but of blind passion and headlong wilfulness. Had the measures of the council been acted upon in the temper in which they were conceived, and had they been encountered by the Vizier in a like temper, there would have been no choice but to abandon so much of the debt as the Vizier might decline to pay, or to enforce the demand by the sword. A variety of circumstances combined to avert such an extremity. The Vizier had begun to diminish his debt. Mr. Middleton, on obeying the call for his return, brought with him fifteen lacs. Eight more were obtained through other channels; the remainder of the account was to be settled, not with the Vizier, but with his successor. The health of Shoojah-ad-Dowlah had for some time been declining, and early in February, 1775, he died. He was succeeded in the possession of his dominions by his son, Azoff-al-Dowlah, who also, after much negotiation and with some difficulty, was ultimately recognized by the Emperor as his Vizier. This honour, however, was not attained by the prince till fourteen months after the death of his father.

A. D. 1775.

Various minor disputes in the council must be passed over. The death of the Vizier gave occasion to a quarrel of greater dignity and importance. The majority in the council, General Clavering, Colonel Monson, and Mr. Francis, chose to consider all the

CHAP. IX. obligations by which the British Government was connected with the late Vizier as merely personal—consequently as terminated by the death of the party with whom they were contracted; and they regarded that event as affording an opportunity of making a better bargain with the Vizier's successor. Mr. Bristow was appointed resident at the court of Oude, and by him a treaty was concluded, by which the new Soubahdar agreed to surrender to the British Government Benares and certain other districts, which the three members of council reported would produce an annual revenue of twenty-two lacs; and also to pay for the aid of the English brigade, when stationed with him, fifty thousand rupees per annum more than his predecessor had undertaken to pay. The framers of this treaty evinced a tender regard for their successors in office, by relieving them from any difficulty as to the duration of the engagement. The obligation of the English authorities to respect the provisions of the treaty was expressly limited to the life of Azoff-al-Dowlah. This considerate provision is the more remarkable, as the majority of the council under whom the treaty was concluded do not appear to have felt any difficulty in relieving themselves from all regard to the treaty concluded by the government which preceded theirs with the Vizier.

The three councillors were greatly proud of the achievement of this treaty. "The measure," said they, "is strictly and exclusively ours: the original plan was opposed in every step by the governor-

general and Mr. Barwell."* Hastings recorded his conviction that it was not honourable to extort from the prince "concessions inconsistent with our former treaties, to which the necessity of his situation alone obliged him, however unwilling, to submit,"† and the judgment of posterity must confirm the sentence. Remarkable indeed it is, that the men who were so keenly alive to the injustice of the Rohilla war, should themselves conceive and carry into effect an act of deliberate injustice to an ally, on the very spot where they had proclaimed themselves the champions of righteousness, and while the ink was scarcely dry with which they had recorded their abhorrence of the crooked policy of their colleague and president. Such a circumstance pours a stream of light upon their pertinacious opposition to every act of the governor, and renders it impossible for the most extended charity to attribute it to any pure or honourable motive.

Hitherto the differences between the two parties in the council had reference to matters of public policy. The rancour of their animosity was now to be influenced by the investigation of charges affecting the personal integrity of the governor-general. His accusers were many, his enemies in the council well disposed to listen to them—but Hastings denied

* Address from General Clavering, Colonel Monson, and Mr. Francis, to the Court of Directors, 21st November, 1775. Appendix 157 to the Fifth Report of the Committee of Secrecy, 1782.

† Observations on Minute of General Clavering, Colonel Monson, and Mr. Francis, by Governor-general, in Appendix 157 to Fifth Report.

CHAP. IX. their right to institute such inquiries, and claimed the privilege of dissolving any meeting of council in which such questions were entered upon. This claim his opponents resisted, and on his quitting the chair on such occasions, they placed in it one of their own number, and continued their inquiries. Charges were preferred by the Ranee of Burdwan involving the governor-general, his banyan, and several other European and native functionaries. These accusations appear to have been supported by little or no evidence deserving of credit, and almost the only ground for attaching any weight to them was furnished by Mr. Graham, a servant of the Company, and one of the accused parties, who, as a preliminary to inquiry, demanded that the Ranee should give security for the payment of a penalty in case she should fail in establishing her charges. From another quarter, a charge was made of corruption in the foujdarry of Hooghly, in which it was alleged that the governor-general participated. The party by whom the charge was brought forward was anxious to obtain the office of foujdar for himself, and offered to undertake it at half the salary then paid. The foujdar was summoned to answer for his conduct, but either from conscious guilt or personal scruple, he objected to be examined on oath. The governor-general defended him; but this, probably, only furnished an additional reason for visiting his contumacy with severity. He was dismissed from his office, but his accuser did not benefit, as he had hoped, by the result. The conduct of Hastings in

refusing to defend himself against these charges, or to permit them to be inquired into by the board of which he was the head, has been regarded as affording presumption of his guilt. But it may be sufficiently accounted for upon other motives. It might arise from an honest conviction that it was inconsistent with the dignity of his office to reply to charges which he declared founded in falsehood and forgery. It might be attributable to a belief that the council was not a proper tribunal for the investigation of such charges, or a conviction that from his associates he had little chance of an impartial decision. It might have its origin in constitutional haughtiness of temper, of which Hastings had more than an ordinary share. On the other hand, it is not necessary to suppose that the majority in the council either suborned or encouraged false evidence, knowing or believing it to be such. Their hatred of the governor-general led them hastily to listen to any imputations against him, and to estimate the truth of the charges by their passions, not their judgment. They had little or no experience of the native character—they knew not with what facility false charges are manufactured in India—with what ingenuity supported—with what pertinacity maintained. They might know something of the feeling which leads the worldly wise to woo the smile of newborn power by insulting or persecuting those over whom it has triumphed, for this feeling exists and operates to a greater or less degree in all countries and states of society; but they did not know the

CHAP. IX.

extent to which it prevails in India, nor the fearful forms in which it is sometimes indulged. The governor-general was now governor only in name. The natural influence of his position was destroyed, and the fact of his having a casting vote in an assembly of five availed nothing, where three systematically and invariably voted together, and always in opposition to the chair. To the quickness of native perception this state of things afforded an index pointing out the path to success. Whoever sought to recommend himself to the majority in council attacked the governor-general. Whoever had an object to gain, which, under other circumstances, might be regarded as hopeless, saw in the evil passions which distracted the council the means of gratifying his wishes. Whoever bore enmity to the governor-general readily discerned that this was the time to seek revenge.

One of the charges which press most heavily on the character of Hastings, arose out of the extraordinary appointment of Munny Begum to the guardianship of the infant Nabob. In the examination of her receipts and disbursements, a large sum was discovered to be unaccounted for. The Begum was placed under restraint, and an inquiry instituted into the defalcation; when she stated that a considerable sum had been paid to the governor-general. That something was given and received was not denied, but it was alleged to have been paid on account of extraordinary expenses incurred by the governor-general's residence at Moorsheda-

bad, and to be sanctioned by custom. It had for some time been clearly the intention of the Court of Directors that their servants should receive nothing beyond their regular and authorized emoluments, and the plea of custom is a poor one when placed in opposition to duty.* The transaction acquires a darker hue from the extraordinary character of the appointment in which it originated. Opinions may indeed differ as to the extent of Hastings's culpability, but he must be a warm partizan indeed who will go the length of declaring that the hands of the governor-general were altogether clean. If he were entitled to any extra allowance while at Moorshedabad, he should have drawn such allowance openly, and brought it to account in the ordinary way; while the sum received from Munny Begum, if the receipt were proper, should have been carried to the credit of the Company. If he had no claim to additional allowances, there is nothing to discuss, and his conduct is without even the shadow of excuse.

The charge of taking money from Munny Begum was originally preferred by the acute and profligate Nuncomar. On the 11th March, 1775, Mr. Francis informed the board that he had that

A. D. 1775.

* Hastings was bound by covenant not to receive presents. Two of his predecessors had bound themselves by oath. Clive framed an oath to be taken in the Mayor's Court at Calcutta by the governor, and took it himself. It was also taken by Mr. Verelst. It is remarkable that Hastings did not take it; but it is fair to state that it was not taken by his immediate predecessor, Mr. Cartier.

CHAP. IX.

morning been visited by this extraordinary person, who had delivered to him a paper, addressed to the governor and council, and demanded of him, as a duty belonging to his office as a councillor of the state, to lay it before the board. Mr. Francis added, that he thought he could not, consistently with his duty, refuse to receive a paper from a person of Nuncomar's rank, but that he was unacquainted with the contents of it. He had, however, some suspicion as to its tenour. It accused the governor-general of receiving bribes to a vast amount; among other instances, he was charged with taking two lacs and a half of rupees from Munny Begum, and something more than a lac from Nuncomar himself, as the consideration for the arrangement which placed his son Goodias in office. On a future day, another communication from Nuncomar was produced and read, but it contained nothing but assurances of the writer's veracity. Colonel Monson then moved that Nuncomar should be called before the board, to substantiate his charge. The motion was opposed by Hastings, and his reasons for opposing it were recorded in a somewhat angry minute. "Before the question is put," he said, "I declare that I will not suffer Nuncomar to appear before the board as my accuser. I know what belongs to the dignity and character of the first member of this administration. I will not sit at this board in the character of a criminal, nor do I acknowledge the members of the board to be my judges." He then adverted to the unremitting hostility which he had encountered in

the three members of council opposed to him—hostility first manifested in opposition to his public acts, and subsequently in personal attacks upon him; and, after shortly glancing at some former charges, dwelt at length upon Mr. Francis's conduct in bringing forward those of Nuncomar. "Mr. Francis," he said, "has declared that he was called upon by Rajah Nuncomar, as a duty belonging to his office as a councillor of this state, to lay the packet which contained them (the accusations) before the board; that he conceived that he could not, consistently with his duty, refuse such a letter, at the instance of a person of the Rajah's rank, and did accordingly receive it, and laid it before the board, declaring, at the same time, that he was unacquainted with the contents of it. I believe that the Court of Directors, and those to whom these proceedings shall be made known, will think differently of this action of Mr. Francis; that Nuncomar was guilty of great insolence and disrespect in the demand which he made of Mr. Francis; and that it was not a duty belonging to the office of a councillor of this state, to make himself the carrier of a letter, which would have been much more properly committed to the hands of a peon or hircurrah, or delivered by the writer of it to the secretary himself. Mr. Francis has acknowledged that he apprehended in general that it contained some charge against me. If the charge was false, it was a libel: it might have been false for any thing Mr. Francis could know to the contrary, since he was unacquainted with the contents of it; in this

CHAP. IX. instance, therefore, he incurred the hazard of presenting a libel to the board—this was not a duty belonging to his office as a councillor of state." Hastings then stated, that he had expected such an attack upon him; that he had seen a paper, containing many accusations against him, which he was told was carried to Colonel Monson by Nuncomar, who was, moreover, employed for some hours in private, explaining to the colonel the nature of the charges. A translation of this paper Hastings produced, and desired it to be recorded. He charged his opponents with being parties to the accusations of which they asserted their right to be judges, and then proceeds thus:—"The chief of this administration, your superior, gentlemen, appointed by the legislature itself, shall I sit at this board to be arraigned in the presence of a wretch whom you well know to be the basest of mankind? I believe I need not mention his name, but it is Nuncomar. Shall I sit to hear men, collected from the dregs of the people, give evidence at his dictating against my character and conduct? I will not. You may, if you please, form yourselves into a committee for the investigation of these matters in any manner which you think proper; but I will repeat, that I will not meet Nuncomar at the board, nor suffer Nuncomar to be examined at the board, nor have you a right to it—nor can it answer any other purpose than that of vilifying and insulting me to insist upon it."* Colonel Monson called for the

* Minute recorded 13th March, 1775.

name of Hastings's informant as to the alleged visit of Nuncomar to him. Hastings refused to give it, but referred to Mr. Barwell to confirm his statement as to the existence of such a report. Mr. Barwell did confirm it; when Colonel Monson declared, that he had never seen any paper in the Persian or any country language, which contained any accusation against the governor-general; but it is observable, that he did not deny having held intercourse with Nuncomar. He appeared, however, to think his disclaimer very complete; for he prefaced it with the sarcastic remark, that he presumed "an assertion even from the governor-general himself" would "have no more weight or influence in the opinion of the world than from a private member" of the "board." This will illustrate the tone and spirit in which the proceedings of the government of Calcutta were then carried on. The motion, that Nuncomar be called before the board, was of course carried. The governor-general declared the council dissolved, and departed. Mr. Barwell followed his example. The remaining members denied that an adjournment could take place but by a vote of the majority. General Clavering took the chair, and the three associates proceeded to examine Nuncomar. After he retired, a messenger was sent to Hastings, apprizing him of the fact, and inviting him to resume the chair. Hastings refused to reply to this, as a message from the board; but sent his compliments to General Clavering, Mr. Monson, and Mr. Francis, and begged to decline meeting

CHAP. IX. them in council at so late an hour, and when it was not possible to assemble a full board, from Mr. Barwell being gone into the country; but expressed a hope of meeting them in the revenue department on the following day. The next step of the majority was, to pass a resolution, declaring that it appeared that money to the amount of three lacs and fifty-four thousand rupees had been received by the governor-general in the manner described by Nuncomar, and that such money of right belonged to the East-India Company—a resolution naturally enough followed by another, calling upon the governor-general to pay the amount into the Company's treasury for their use. The secretary conveyed these resolutions to Hastings, who refused to receive or to give any answer to them. Another resolution was thereupon passed, that the proceedings should be transmitted to the Company's attorney, for the purpose of being submitted to counsel for their opinion how to proceed for the recovery of the money. On a future day, it was resolved to summon certain witnesses: Hastings advised them not to attend. The majority resolved that the refusal was a high indignity to the board. The governor-general once more declared the board dissolved, and retired; whereupon those who remained passed a resolution, declaring that the board was not dissolved. The secretary was ordered to summon the contumacious witnesses, but they were not to be found. One of them subsequently appeared, but was not subjected to any punishment

The struggle now assumed a more serious character. Proceedings were instituted in the supreme court against Nuncomar and some other persons for conspiring to cause a native, named Camul-oo-Deen, to write a petition to the council, reflecting falsely and injuriously on the governor-general, Mr. Barwell, Mr. George Vansittart, and some natives. The inquiry occupied twelve hours; and its result was, that Nuncomar and another person, a European, were required to give security to appear to take their trial at the next assizes.* On the day after this took place,

* So it appears from Hastings's letter to the Court of Directors, 16th May, 1775. A paper of the same date, signed by General Clavering, Colonel Monson, and Mr. Francis, states the same fact, with the addition, that all the parties to the prosecution, except Mr. Hastings and Mr. Vansittart, had retired from it, and that the accused were held to bail at their suit only. In another paper, dated the 3rd August following, the same members of council say—"The Rajah (Nuncomar) was summoned to attend a meeting of the judges on the 20th April last, when he and Mr. Fowke underwent an examination of several hours, upon a charge of conspiracy against the governor-general and others. It appeared to us, that the evidence, *ex parte*, against them could not be very strong or conclusive, since they were not held to bail, and the gentlemen against whom they were supposed to have conspired had four days allowed them to consider whether they would prosecute or not." The date here given, the 20th April, is that assigned by Hastings as the date on which the parties were held to bail. On neither side, indeed, does there appear to have been scrupulosity as to the mode in which the transaction was reported. Hastings conceals the facts, that the charge of criminality extended to other persons as well as the two held to bail, and that part of the accusers had abandoned the prosecution; while Clavering, Monson, and Francis, after stating, on the 16th May, that Nuncomar and another were held to bail, asserted, within three months afterwards, that they were not.

CHAP. IX. the "gentlemen of the majority," as Hastings called them, expressed their sympathy with Nuncomar by a visit of ceremony. What might have been the result of the prosecution for conspiracy is left to conjecture; for, before it could be brought to trial, Nuncomar was the object of an accusation far more grave in its character and more fearful in its consequences. He was apprehended on a charge of forgery. The majority of the council, as might be expected, ranged themselves on the side of the prisoner; and circumstances conspired to afford them an opportunity of manifesting their regard for him, by elevating his son to an office of the highest trust and dignity. About the time of the apprehension of Nuncomar, the discovery was made that of the sum appropriated to the support of the Nabob, a part only had been applied to its professed object. Munny Begum was forthwith suspended from the exercise of her functions of guardian to the prince, and the charge was conferred on Goodias.

Nuncomar was committed, tried, found guilty, and hanged. This was the first instance in which the punishment of death had ever been inflicted in India in retribution of the crime of forgery. The excitement produced by it was proportioned to the novelty of the event. Nuncomar, too, was a man of great wealth—he had been possessed of extraordinary power: the subjecting such a man to an infamous punishment was scarcely less startling than the disproportion which, in native judgment, existed between the offence and its consequences. Above

all, Nuncomar was a Hindoo of the highest caste. As a brahmin, his person was regarded as inviolable. Had he committed all possible crimes, banishment,* mitigated by the privilege of carrying away all his property, was the severest penalty to which he could be subject; and, by his countrymen, forgery was scarcely deemed a crime at all. Under the influence of all the feelings excited by this unprecedented case, no native expected that the sentence of the court would be carried into effect.† The approach of the day of execution, without any intimation of the postponement of the fatal punishment, scarcely affected their belief. It came, and with it the awful preparation for inflicting the last penalty of the law. Nuncomar met it with even more than Hindoo apathy. He took solemn leave of his friends; but neither his countenance, deportment, nor intervening occupations indicated any internal conflict. After the departure of those on whom his eyes were never again to rest, he engaged himself in writing notes and examining accounts, as though transacting ordinary business under ordinary circumstances. He entered with a calm step the palanquin which was to bear him to an ignominious death, and ascended the steps of the scaffold with equal firmness. The crowd collected was immense.

* See Volume I. pages 6 and 7.

† A native had been convicted of forgery, and sentenced to death, by the Mayor's court of Calcutta, which court was superseded by the supreme court; but he had not been executed. He was recommended to the mercy of the Crown, and finally pardoned.

CHAP. IX. The Hindoo portion of it was convulsed by conflicting feelings of doubt, rage, despair, shame, and pity. The Mahometan spectators, it is said, felt joy at the downfal of the artful and unrelenting enemy of Mahomed Reza Khan. The feelings of the one party were soon to be outraged, and those of the other gratified, by the conclusion of the spectacle which had brought them together. The signal was given—the platform on which the criminal stood prepared for death sunk from beneath his feet, and the spirit of Nuncomar was on its way to a more awful tribunal than that before which he had lately appeared. The effect upon the Hindoos, who formed the great mass of the assembled crowd, resembled that of an earthquake. Uttering a wild and piercing cry, they fled from the spot—force and panic carried with them the rest of the multitude, so that none remained near the place of execution but the servants of the law, and the few brahmin followers whose duty it was to take charge of the culprit's body.

The trial and execution of Nuncomar have given rise to discussions almost without number. The legality of the proceedings has been questioned—their justice denied—and the motives of those engaged in them impugned. The supposed illegality rests upon the assertion that the criminal law of England does not extend to its outlying possessions, unless they be specially named. This is a question purely technical, and far too important to be discussed incidentally. For these reasons, it may here be passed by. The question of the justice of the

proceedings, which ended in the execution of Nuncomar, stands on different grounds; and, with reference to the violent and long-protracted controversy to which it gave rise, it would not be excusable to pass it over without notice.

In India, the crime of forgery, as has been observed, had never been punished with death. Notwithstanding its dangerous character, it was regarded there as a slight and venial offence, and it may be feared that, if dexterously performed, those who were uninjured by the crime would be more ready to admire the ingenuity of the perpetrator than to condemn his want of honesty. The English law, with its severe provisions against forgery, was unknown to the mass of the people within the circle of the supreme court, and its sudden application, without preparation and without notice, appears similar in effect to that of an *ex post facto* law. The execution of Nuncomar has further been alleged to partake of the odious and unjust character of such a law, on the ground that the imputed forgery was committed about four years before the erection of the court which took cognizance of it. In opposition to the first of these positions, it has been urged, that ignorance of the law is never held to afford an excuse for the breach of it, and that all parties subject to its operation are supposed to be acquainted with its provisions. To the second, it is answered, that although the supreme court of judicature was not in existence till 1774, there was previously in Calcutta a court administering English

CHAP. IX. law, and which had in one instance convicted a native of the same offence as that with which Nuncomar was charged.* It has been doubted whether that court ought to have exercised any criminal jurisdiction with regard to natives; but such jurisdiction had been exercised by it, and the supreme court was the legitimate successor to its functions.

This objection, therefore, may be dismissed. It might not have been an improper one to urge in arrest of the judgment of the court which condemned Nuncomar, but it cannot be admitted to influence the opinion of those who have now to review the proceedings in his case.

The answer to the first objection is less satisfactory. It is true that ignorance of the law is not permitted, and cannot be permitted, to operate as a bar to the conviction of an offender; but a merciful judge will always take note of such ignorance, if real, in apportioning punishment. Neither must it be forgotten, that the ignorance of a Hindoo of that time of the provisions of English law is altogether different from the ignorance which exists in any country of the law under which the people of that country and their ancestors have lived. Not only was the law of comparatively recent introduction, but it was in many respects so much at variance with all their previous experience, knowledge, habits, and modes of thought, that while the best informed among them must have found difficulty in understanding it, it was to those less advantageously situated a collec-

* See note on a former page.

tion of strange things, of which their imaginations could embody no lineament or feature. Under such circumstances, the harshness of inflicting upon ignorance the same punishment which is assigned to deliberate and conscious disobedience, is of an aggravated character. It is true, indeed, that the offence punished in the person of Nuncomar was not like offences against the revenue and some others — the pure creation of the law. No man whose moral perceptions are sound can doubt that in resorting to forgery to deprive another of his property he is doing wrong: but the moral perceptions of those among whom the English law was thus suddenly introduced were not sound; they were corrupted and debased by the false medium through which successive generations had been accustomed to contemplate their rights and duties, and to some of the plainest dictates of morality they were insensible. To men thus surrounded by contaminating influences—men who had never enjoyed the benefit of a pure moral atmosphere, extraordinary consideration was due. The single instance which had occurred of a conviction for forgery in the mayor's court of Calcutta was probably known to few except the parties immediately interested in it. The case of Nuncomar had from various causes attracted unusual attention, and it offered a fitting occasion for making the law known—while the court, by exercising their power of respiting the convict, with a view to the extension of the mercy of the Crown, might have relieved themselves and the law that

CHAP. IX.

they administered from the imputations of injustice and cruelty, which, from their pursuing a different course, have been freely cast upon both. In the discussions to which this extraordinary case has given rise, considerations have been sometimes introduced which ought to be excluded from it. The question of the abstract justice of the law which punishes forgery with death is one of these. With this question the judges had no concern. They had neither the right nor the power to vary the law —their sole duty was to administer it with discretion and with mercy. The evidence, too, on which Nuncomar was convicted, has been impugned; but it was sufficient to satisfy the grand jury that there was good cause to send the prisoner to trial, and sufficient to satisfy the jury before whom that trial took place of his guilt. If the jury were honestly satisfied, it is probable that the court was satisfied also. The conduct of the judges on other occasions shewed that they had no doubt of their jurisdiction; and though they cannot be acquitted of acting with a degree of harshness and precipitancy which it may not be too much to characterize as indecent,* there is nothing to convict them of having acted corruptly. There are motives sufficient to account for their conduct, which, though

* The counsel for Nuncomar endeavoured to prevail on the foreman of the jury, by whom the prisoner had been tried, to join in an application to the judges for the exercise of clemency. The chief justice in open court censured the counsel for this proper attempt to save the life of his client.

not all of a creditable character, are far less injurious to their reputation than that to which the execution of Nuncomar has been often attributed. They appear to have been men of contracted minds, who had satisfied themselves not only that the law of England was the best for the people amongst whom it had grown up to maturity—not only that it was right that the law of England should be introduced and acted upon universally throughout the British dominions, but that it was the duty of all people within those dominions, whether they ever heard of English law or not, to understand it. They entertained no consideration for the wide difference between the country from which the law came and the country in which they were called upon to administer it. Their entire conduct manifested this. Destitute of all enlarged views, either of jurisprudence or of the principles of human nature, the supreme court was to them the world. In addition to this failing, they were influenced by the most inflated notions of their own dignity, and the most extravagant anxiety to extend the jurisdiction of their court far and wide. Whether they were actuated by other motives—whether, within the mind of the chief justice more especially, any of a darker nature operated, can never be known—there is no evidence—there perhaps will be always some suspicion.

Equal obscurity hangs over the question as to the participation of Hastings in this unhappy transaction. The accusation rests entirely on a combination of circumstances, which might have been

CHAP. IX. fortuitous. Nuncomar had stood forward as the accuser of Hastings. Hastings had instituted legal proceedings against Nuncomar and others for an alleged conspiracy. The charge does not appear to have been very readily susceptible of proof; and the general opinion seems to have been, that it would fail. Exactly at the time when, if Hastings were guilty, and the accuser capable of substantiating his charge, it was most important to the governor-general that he should be removed, Nuncomar is apprehended on a charge of forgery committed several years before—the prosecutor being a native, who, it may be presumed, shared in the dislike of the supreme court believed to have been then generally entertained by his countrymen. The accused party is tried and convicted. The court have the power of respiting the sentence; and, with reference to the unusual circumstances of the case, respite seems desirable. They, however, refuse; and the chief justice, who had been the schoolfellow of Hastings, and remained his personal friend, manifests some displeasure at an attempt of the prisoner's counsel to procure an application for clemency. The prisoner is executed: his fate is ascribed to his hostility to the governor-general; and it is alleged, that men were thenceforward afraid of preferring charges against that functionary. Such is the case against Hastings. On the other hand, it is urged, that the prosecutor in this case was a person with whom Hastings had no connection; that he could not interfere with the proceedings of the supreme court;

that Nuncomar, from the moment of his apprehension to that of his execution, was in the hands of the law; and that it was not in the power of the governor-general either to accelerate or to suspend his punishment. All this is unquestionably true; and it is not less true that, in the sifting inquiries which at a later period took place into this proceeding, when evidence was sought with a degree of assiduity rarely exercised, no evidence was found; and whether Hastings, in relation to the trial and execution of Nuncomar, was guilty or unfortunate, is a question which can never be satisfactorily answered. It is involved in that impenetrable mystery which hangs over so much of the public life of that remarkable man.

The death of Nuncomar was succeeded by a comparative calm. The state of feeling in the council remained unaltered, and the majority continued to determine and to act without reference to the views of the governor-general and the single member who supported him. But the stream of accusation, which had set so strongly and so formidably against Hastings, ceased to flow. Men were appalled by the fate of the chief accuser, and the governor-general enjoyed a degree of peace in this respect, to which he had long been a stranger.

Soon after the intriguing life of Nuncomar had been closed by an ignominious death, his old rival, Mahomed Reza Khan, attained a triumph. The Court of Directors having become satisfied of his innocence, and of the infamy of his accuser Nunco-

CHAP. IX. mar, had directed his restoration to office. There was some ambiguity in the orders of the Court, and the two parties in council, in conformity with what was now long-established custom, adopted different constructions of them. The will of the majority was, that Mahomed Reza Khan should be restored to his former charge, which involved the duties which had been assigned to Goodias. The latter, however, was consoled in some degree for his loss, by appointment to another office; but inferior in trust, dignity, and emolument to his former post.

Little occurred at the board to disturb the monotony of eternal bickering till the death of Colonel
A. D. 1776. Monson, which took place in September, 1776. This event reduced the two parties in council to an equality in point of numbers; but as the governor-general had the casting vote, its effects were to reverse the former position of the combatants, and to throw into the hands of Hastings all the power which his opponents had previously exercised. What followed may readily be anticipated. Hastings exercised his long-lost authority in the same spirit which actuated its former possessors; and he proceeded without ceremony to annul such of their acts as were most offensive to him. When the council insisted on the recal of Mr. Middleton from Oude, the functions of the resident had been temporarily vested in the officer commanding the brigade. After a time, the board agreed to appoint a civil servant to the office of resident; but they were far from agreeing as to the person who should be selected for

the purpose. The governor-general proposed the Honourable Frederick Stuart. The opposing majority refused to concur: they proposed a gentleman named Bristow; and holding the power in their own hands, their proposal, as a matter of course, was carried.* Shortly after the death of Colonel Monson, Hastings retaliated by proposing the recal of Mr. Bristow, and the re-appointment of Mr. Middleton. General Clavering and Mr. Francis stoutly resisted; they talked loftily of the injustice done to Mr. Bristow, in removing him from a situation which he had filled with credit to himself and advantage to the Company, and for no other avowed reason than to give his place to another; but argument and declamation were alike vain. The foot of the governor-general was upon the necks of his opponents; he remembered how they had employed their power while power rested with them, and seemed resolved that they should have some experience of the mortification which he had endured. He persevered, and it was decided that Mr. Bristow should give way to Mr. Middleton. Both parties agreed in declaring that there was no objection to either Mr. Middleton or Mr. Bristow—that both were well fitted for the duties of the office of resident. They thus alike admitted that their motives were to a great extent factious. Hastings, indeed, cannot be greatly blamed for restoring a man of acknowledged competency to an office from which he had been somewhat capriciously removed; but, on the other hand, it must not be

* See page 66.

CHAP. IX. forgotten that, in this instance at least, the contest had been in some degree provoked by the pertinacious refusal of Hastings to submit the unmutilated correspondence of himself and the resident to the board. A still less excusable act of retaliation was perpetrated with regard to a civil servant, named Fowke, who had been appointed under the ascendancy of the late majority to a situation at Benares. This gentleman and his father had taken part with the opponents of Hastings, and under the pretence that the duty assigned to Mr. Fowke was special, and had been performed, he was removed. Immediately afterwards, another civil servant was appointed to reside at Benares, with an assistant bearing the name of Hastings's constant supporter, Barwell. If in the removal of Mr. Bristow, and the re-appointment of Mr. Middleton, Hastings had some grounds of justification, in the case of Mr. Fowke there were none. It was, as described by General Clavering, "a vindictive measure couched under the appearance of a public service."* In this spirit was the business of the Indian government conducted till the authority of Hastings was once more shaken by the arrival of intelligence of a new arrangement for carrying on the government, in which the name of Hastings did not appear. General Clavering was to be governor-general, and Mr. Wheeler, formerly a director, was nominated to the vacant seat in council.

To explain these changes, it will be necessary to

* Minute, 2nd December, 1776.

refer to the course of events by which they were brought about.

Wearied with the annoyances of his situation, Hastings formed the determination of resigning his office; and two gentlemen, Mr. Graham and Colonel Maclean, seem to have been intrusted with authority, under certain circumstances, to tender his resignation. The latter only appears to have acted in the business,* and his proceedings partake, in no small degree, of that mystery which hangs over almost every thing connected with the name of Hastings. On Colonel Maclean's arrival in England, he found the state of feeling in almost every quarter unfavourable to his principal. The administration were decidedly hostile, actuated partly by the representations which they had undoubtedly received from the members of council opposed to the governor-general, and partly by a desire to bring the entire government of India within the sphere of their patronage. The Court of Directors had passed resolutions condemning the policy of the Rohilla war, and expressing an opinion, that the whole of the correspondence between the governor-general and Mr. Middleton, resident at Oude, ought to have been laid before the council. These resolutions were subsequently adopted by the general court; a prefatory clause being, however, introduced, recognizing the services and integrity of the governor-general, and

* Colonel Maclean appears to have been fond of agencies. While acting for Hastings, he was at the same time agent to the Nabob of Arcot, the ever-intriguing Mahomet Ali.

CHAP. IX. acquitting him of all suspicion of corruption. On some other subjects, the Court of Directors visited the conduct of Hastings and his associate Barwell

A.D. 1776. with censure. On the 8th May, 1776, a motion was made and carried for an address to His Majesty, praying their removal from office.*

On hearing of the intention to bring forward the motion, Hastings's agent made overtures both to the ministers and to influential directors, with a view to accommodation.† They appear to have been nugatory, and the friends of Hastings having, as one of them observed, "nothing to lose by a defeat,"‡ determined to try the result of a general court. To that tribunal they accordingly appealed, with a view to reversing the decision of the Court of Directors. A requisition being obtained, a general court was summoned for the 15th of May; and on that day it was moved, that it be recommended to the Court of Directors to reconsider their resolution for procuring the removal of Mr. Hastings and Mr. Barwell from office; and that they should report to the general Court of Proprietors, as speedily as possible, their proceedings on such recommendation, before any further steps should be taken in the business. The court, on this occasion, was thronged

* It will be recollected, that the governor-general and council were appointed by act of parliament for five years, and were irremovable, except by the Crown, on the application of the Court of Directors.

† See letter of Colonel Maclean, in Gleig's Memoirs of Hastings, vol. ii. page 58 *et seq.*

‡ Colonel Maclean.

by peers, privy councillors, and adherents of administration. Treasury influence is said to have been employed to a great extent against Hastings; and the first lord of the admiralty, the Earl of Sandwich, is represented as having been unusually active in aiding the cause with which the ministry had connected itself. The debate was protracted till the approach of midnight, when the friends of Hastings proposed to adjourn to the following day. The ministerial party opposed, and, on a division, the motion for adjournment was lost. Hastings's supporters then demanded, that the question which had been the means of calling the court together should be determined by ballot. The result was victory to the cause of the governor-general, the motion of his friends being carried on the ballot by a majority of one hundred and six.* CHAP. IX.

On the 10th July, the resolution for removing the A. D. 1776.

* Minutes of the general court, M.S. Hastings's agent represents this defeat as a grave annoyance to the ministry. He says, "It has given great offence to the administration. I have never known them so sore on any defeat. So great a majority has stunned them. Lord North cannot bear the least mention of the India House, directors, or proprietors. He will have nothing to do with India matters out of parliament. 'The Company must be restricted to its commerce; territorial acquisitions are beyond their abilities to manage, and must be taken from them without waiting for the expiration of the charter. For this purpose parliament must meet before Christmas; in the meantime the proprietors may do what they please—the more violent and absurd their actions the better.' This is now the language of the ministerial party, and they have held it uniformly since their defeat." —Letter from Colonel Maclean, Memoirs of Hastings, vol. ii. pages 65, 66.

CHAP. IX. governor-general and Mr. Barwell was rescinded by the Court of Directors with regard to Mr. Barwell, and on the 16th the like indulgence was extended to the governor-general. Notwithstanding this, some of the friends of Mr. Hastings seem to have entertained little hope of maintaining him in the chair at Calcutta in opposition to the powerful interests arrayed against him. Colonel Maclean appears to have been engaged in a long and somewhat complicated series of intrigues, the object of which was to enable Mr. Hastings to quit office with some degree of credit. Honours from the Crown were talked of, but these, it was intimated, could not be conferred. A series of propositions seem, however, to have been at length agreed upon by Colonel Maclean and Mr. Robinson, a confidential servant of the ministry, which were to serve as a basis for peace.*

The minister being propitiated, Hastings's agent turned to the Court of Directors. At a court held
A. D. 1776. on the 11th of December, a letter from him was read. It stated that Mr. Hastings, seeing the ne-

* Some of these are remarkable. The articles of the treaty were five in number; the fourth provides "that all retrospect and prosecution previous to the late act of parliament affecting the supreme council cease and determine, and in case any informer infringe this article, administration shall give their aid to defeat it." The fifth stipulates "that Mr. Hastings shall be well received on his return; a vote of thanks promoted, if moved for; and nobody to be displaced." See Gleig's Memoirs of Hastings, vol. ii. page 82. The entire details of the negotiation, as narrated by Colonel Maclean, are highly amusing. The information does not come through the cleanest channel; but there is no reason for doubting its general accuracy.

cessity of unanimity in the supreme council of Bengal for conducting the affairs of the Company there, and for establishing any permanent system of government for the good and prosperity of the country, finding from the unhappy divisions which have occurred in the supreme council, that such was not likely to subsist, and having anxiously on every occasion studied to promote the welfare of the Company, a course which he would ever continue, had, from these motives, authorized the writer, Colonel Maclean, to signify his desire to resign the office of governor-general, and to request the court to nominate a successor to the place which would thereby be vacated in the supreme council. On the 18th the letter was taken into consideration.* On this day, also, Colonel Maclean was called in, and a question was proposed to him as to his authority. This was certainly a natural and proper inquiry, but it appeared that the agent was not prepared to answer it unconditionally. He professed to be quite ready to give the court satisfaction, but intimated, that in the papers to which he must refer, the subject of his powers was mixed up with other matters "of a nature extremely confidential;" and he therefore proposed, instead of laying them before the court, to submit them to the inspection of three of the directors specially deputed for the purpose of examining them. The court agreed

* This letter had been a subject of conversation between Colonel Maclean and his treasury friend Robinson, and the latter is stated to have drafted it. See Memoirs of Hastings, vol. ii. p. 85.

CHAP. IX. to the proposal, and Mr. Roberts, the chairman, Mr. James, the deputy-chairman, and Mr. Becher were empowered to make the requisite inspection. They reported that Colonel Maclean had shewn them certain papers relating to his powers, and had informed them that he had more. On a future day they further reported that, from the purport of Mr. Hastings's instructions, contained in a paper in his own handwriting, given to Colonel Maclean, and forwarded by him to them, Mr. Hastings declared that he would not continue in the government of Bengal unless certain conditions therein specified could be obtained, of which they saw no probability; that Mr. George Vansittart had assured them that he was present when these instructions were given to Colonel Maclean, and when Mr. Hastings empowered that gentleman to declare his resignation to the court, and that this had been confirmed by Mr. Stuart, who stated that Mr. Hastings had informed him that he had given instructions for this purpose to Colonel Maclean. The court determined the evidence of the colonel's authority to be sufficient, and a resolution that the resignation be accepted was carried unanimously; the friends of Hastings supporting the resolution, because they thought it in accordance with his interests and wishes; his enemies, because it gratified their long-cherished desire to be rid of him. Mr. Wheeler was then nominated to succeed to the vacant place in council, and a petition to the Crown praying the appointment of that gentleman agreed upon.

The consent of the Crown gave effect to the nomination of the court, and the new appointment was formally announced to the Government of Bengal. The news raised a storm exceeding in violence any that had previously occurred. Hastings repudiated the acts of Colonel Maclean, and determined to retain his post at the head of the government: General Clavering was equally bent on assuming the dignity, to which he conceived himself entitled. Both proceeded to exercise the functions appertaining to the disputed office, both issued summonses for meetings of council, and each found a follower. Mr. Barwell answered the summons of Hastings, and Mr. Francis that of General Clavering; there were thus two councils sitting at the same time under the authority of two different persons, each claiming to be governor-general.

The effects of these contests might have been seriously disastrous; the manner in which they were carried on almost partakes of the ludicrous. Mr. Barwell, on taking his place at the council called by Hastings, informed the "board" (consisting of Hastings and himself) that on his way he had received a note requiring his attendance at the council at which General Clavering was to preside. Before the minute which was to record this fact was completed, a letter, addressed to "Warren Hastings, Esq.," without further appendage, was put into the hands of the person thus designated. It was from General Clavering. After recapitulating the steps by which the assumed change in the go-

CHAP. IX.

vernment had been effected, Hastings's competitor required that the keys of Fort William and of the Company's treasury should be delivered to him, and intimated his intention of being at the council-house at a specified hour to receive them, unless Hastings should prefer any other method of complying with the requisition; one condition only being insisted upon—that the surrender should take place in the course of the day. The answer of Hastings and Barwell was that they knew of no act or instrument by which the office of governor-general had been vacated, nor by which it had devolved upon General Clavering; and that they would maintain, by all legal means, the authority and trust conferred by the act under which the existing government was constituted.

The rival council in the meantime had met. General Clavering had taken the usual oath as governor-general, and, in concert with Mr. Francis, had framed a proclamation announcing the change in the government, publication of which was ordered to be made without delay. It was also to be translated into the Persian and Bengalee languages, but the Persian translator refused to perform his office. The secretary was less scrupulous; he had readily obeyed the instructions of General Clavering, but subsequently received orders from the other party not to summon any council without the order of Hastings as governor-general, nor to perform any official duty without his authority, or that of a majority of council assembled under it. He was

also required to send to the council convoked by Hastings the despatches from Europe which had excited this ferment. His answer to the former of these instructions was an apology for having acted under the orders of General Clavering in summoning a council in his name; to the latter he replied by stating that the despatches had been delivered to the party whose authority he had thus recognized. Scarcely had the secretary made report of these circumstances to General Clavering and Mr. Francis, when Mr. Barwell presented himself before them. He was asked whether he meant to take his place as a member of council, but on this point he maintained an obstinate silence. His business was to obtain possession of the fatal despatches which had thrown the government into confusion, and he requested that they might be delivered to him. General Clavering replied, "The council is sitting, I cannot part with them." The applicant, without arguing the right of the alleged council, inquired at what time he could have the letters: this produced a question as to the authority by which he demanded them. Still Mr. Barwell refrained either from impugning the authority of those whom he addressed, or asserting that of Hastings. He replied that he required the despatches as a member of the council of Bengal, in which capacity he was entitled to peruse and take copy of any public papers. This privilege it did not suit the schismatical board at that moment to recognize. General Clavering answered, "You have heard them read

CHAP. IX.

once; you may hear them read a second time." Mr. Barwell demanded to know whether the papers would be delivered to him or not; the General replied that he was not there to answer interrogatories, and repeated his former intimation, that the inquirer might hear the despatches read. The demand for the delivery was then made in a more formal manner. General Clavering refused to vary his answer. Mr. Barwell ordered the secretary to send him the papers in dispute as soon as they came into his possession; and thus this extraordinary conference ended.

Hastings, however, remained firm in the assertion of his authority. The commandant of the garrison of Fort William, the commanding officers at the various stations, the provincial councils and collectors were all formally reminded that their obedience was due only to Hastings, as governor-general, and the majority of the council, and warned against yielding it to any other authority. To strengthen his claim by the sanction of the accredited interpreters of the law, Hastings appealed to the judges of the supreme court: his opponents acquiesced in the appeal. They appear, indeed, to have possessed little confidence in their own views; for, with reference to the appeal to the judges, they resolved to suspend the execution of all the orders which they had passed. The decision of the judges was in favour of Hastings, who used his victory in a manner as little creditable to his character for discretion as for good feeling. With the aid of his steady adhe-

rent, Barwell, he passed a series of resolutions singularly intemperate, vindictive, and absurd. After reciting the acts performed by General Clavering, under his assumed authority, they declared not only that by those acts he had usurped the office of governor-general—a proposition which the decision of the judges would have justified—but that the general "had thereby relinquished, resigned, surrendered, and vacated the office of senior councillor of Fort William," as well as the place of commander-in-chief of the Company's forces in India; that Mr. Barwell had thereby become senior councillor; that the office of commander-in-chief no longer existed; and that, for "the preservation of the legality of" their "proceedings, General Clavering should not in future be summoned or admitted as a member of council." These proceedings seem to have excited considerable alarm in the enemy's quarters. Mr. Francis attended the next meeting of council, and prefaced a motion for reversing the resolutions respecting General Clavering, with a representation of the dangers which surrounded the government, of the evils which had arisen from passion and precipitancy, and of the necessity for recurring to a more moderate and prudent course. He claimed for himself credit in regard to his immediate and implicit submission to the decision of the judges, and implored that he might be allowed to act the part of a mediator. In this character he urged the reversal of their late proceedings: he referred to the origin of the existing government; contended that there

36859

CHAP. IX.

were only four ways by which the right of General Clavering to the place which he had previously occupied in council could be voided—by death, resignation, removal by the Crown, or succession to the office of governor-general, and that none of these events had taken place. He asked, "of what avail then is your declaration that his place is vacant in the form and manner prescribed by the law?" and demanded whether those who had passed the declaration were prepared to support it by a military force. "This," he said, "is not the language of menace, nor intended so; it is the language which your true friends, if you have any, should hold to you in the most perilous state in which it is possible for you to be placed." On the claims of General Clavering to hold the office of commander-in-chief of the Company's forces in India, he held a similar line of argument, varied only with reference to the different circumstances of the appointment. Mr. Francis was answered by Mr. Bārwell, who expressed his belief in the legality of the resolutions passed on General Clavering, and his determination to uphold them, but did not sustain his opinion by any redundancy of argument. The governor-general, in the unrelenting spirit which he so frequently manifested, maintained the legality and necessity of excluding General Clavering from council. But General Clavering and Mr. Francis had appealed to the judges of the supreme court. The judges unanimously decided that the council had no power to remove one of its members or declare his seat va-

cant. They could not indeed have decided otherwise, without publicly exhibiting themselves as unfit to occupy the seat of justice. No man of common understanding and ordinary information, whatever might be the degree of his knowledge or ignorance of the law, could entertain any doubt on the subject. Those who thus sought to rid themselves of a disagreeable associate, could not believe that they had any right to the power of which they assumed the exercise. They contended that Hastings was still governor-general; that there had been no vacancy in the office; and that consequently General Clavering could not have succeeded to it. It necessarily followed that he remained in the position which he occupied before, for he had not resigned his place in council for the purpose of obtaining the office of governor-general and then failed to attain his object; his ceasing to be the second member of council was only an incident of his supposed elevation to the rank of the first; and if his assumption of the title and authority of governor-general were a nullity, all that was merely incidental upon that assumption, and was dependent upon it for force and validity, was alike null and void of effect. The opponents of Hastings had done much to irritate him; but by this most extraordinary attempt to deprive one of them of the power of giving him further annoyance, the governor-general put himself so completely in the wrong, as to leave his conduct in this respect without the shadow of justification or excuse.

In looking back upon these events with the calm-

CHAP. IX. ness of feeling which the actors in them could not maintain, it is impossible not to be struck with the violence and precipitancy manifested by all parties. General Clavering in assuming the government had a pretence barely colourable, and it is scarcely conceivable that he could have believed it more than colourable. The instrument under which the proposed change in the government was to be effected, referred to Hastings's resignation not as an act that had been performed, but as an act contemplated: "Whereas the said Warren Hastings hath caused notice to be given to the said United Company that he desires to resign the said office of Governor-general of Bengal."* The succession of General Clavering to the office of governor-general, which was not dependent on any thing but the occurrence of a vacancy, was spoken of as something future:—"And whereas, upon such resignation of the said Warren Hastings as aforesaid, the said John Clavering, according to the directions of the said recited Act of Parliament, will succeed to the said office of governor-general;" and the appointment of Mr. Wheler to a place in council was to have effect "from and immediately after" the office should "become vacant by the resignation of" Hastings. The parties interested in dispossessing Hastings, indeed, maintained that these forms of expression had reference only to the retention by Hastings of the powers of governor-general till the arrival of the instrument in India; and that the intention to resign had been

* Commission appointing Mr. Wheler, 23rd October, 1776.

accepted by the Court of Directors as a real resignation, and acted upon accordingly. They also urged the possible inconveniences that might arise from the non-fulfilment of a promise to resign, after the necessary measures had been taken to supply the vacancies which would be created by such resignation. These inconveniences are obvious; but still it is clear that the expression of an intention to resign is not a resignation; and though a person in the position of Hastings may justly be reproached with levity, or something worse, for raising an expectation that he is about to resign, and failing to realize it after all the arrangements for providing for the consequences of such a step are complete, yet if his formal resignation be necessary to give effect to those arrangements, no one can benefit by them until it be made. The instrument under which General Clavering claimed to take upon himself the office of governor-general did not supersede Hastings. Anticipating the retirement of the governor-general, the Court of Directors nominated a new councillor, and the Crown confirmed the nomination; but the operation of these acts was contingent upon an event which depended on the judgment or the caprice of the person whose removal was to create a vacancy in council. There is therefore no difficulty in determining that General Clavering, in assuming the office of governor-general, and Mr. Francis, in abetting him in the assumption, acted illegally as well as unwisely.

The conduct of Hastings is free from the impu-

CHAP. IX.

tation of illegality: he had a right to retain his office if he so pleased; the question remains whether he was morally as well as legally justified. The precise powers which he conveyed to his agents cannot be ascertained. He gave them two papers, one laying down certain conditions as indispensable to his retention of the government, the other explanatory of one of those conditions.* Whether there were any further instructions in writing Hastings professed to be unable to recollect, and there are no satisfactory means of supplying the deficiency of the governor-general's memory. More than these two papers appear to have been shewn to the select three appointed by the Court of Directors to confer with Colonel Maclean, for it is recorded that Hastings's agent had laid before them "several papers," and "had acquainted them that he had more to produce relative to the powers with which he was invested."† It seems, however, that the acceptance of the supposed resignation, as far as it rested on documentary ground, was based on Hastings's declaration, that unless his conditions were complied with he would not continue in the government; and upon this, aided by the avowal of Colonel Maclean that he had authority for what

* Letter of governor-general to Court of Directors, 15th August, 1777. Hastings speaks of the conditions as applicable to his being confirmed in the government; an extraordinary expression, as he was already in possession of the government under the provisions of an act of parliament, and could not be removed without the exercise of the joint authorities of the Company and the Crown. He certainly needed no confirmation.

† Minute of Court of Directors, 8th October, 1776.

he did, and the testimony of Mr. George Vansittart and Mr. Stewart, the court proceeded. Hastings affirmed that Colonel Maclean had exceeded his instructions; and to discredit the evidence by which the alleged authority of his agent was confirmed, he observed, that he had never called upon the parties from whom it proceeded to be witnesses to any transactions, nor ever authorized them to give testimony.* These statements might be true; but if Mr. Vansittart was, as he stated, present when the instructions were given to Colonel Maclean, and Mr. Stewart received a confirmation of them from the lips of the governor-general at a future period, their evidence was nothing the worse because they had not been formally invested with the character of witnesses. Hastings himself acknowledged that he knew one of these gentlemen to possess judgment and probity, and believed the same of the other:† as men of judgment they were not likely to misunderstand the governor-general—as men of probity they would not misrepresent him. It is remarkable, too, that Hastings never denied having given the alleged instructions, but only disavowed all recollection of them, and added plausible reasons to shew how unlikely it was that he should have given them. "I can only say," he observes, "that I do not retain even the faintest idea of having given such a commission; nor can I conceive the necessity of empowering others to do, in my name, an

* Hastings's letter to Court of Directors, 15th August, 1777.

† Letter, ut supra.

CHAP. IX.

act which must have waited for my ratification, and which it was at all times in my own power to perform for myself without agency."* The latter part of this specious sentence contains an argument founded on mere semblance, which might be employed reasonably enough by a stranger seeking to unravel perplexed facts, and find motives for actions of uncertain origin, but it is out of place when urged by one who was the principal party in the transaction under consideration, and who surely had not to conjecture the state of facts from plausible appearances, or from a balance of probabilities. The question was not whether the course which Hastings was alleged to have taken was natural or necessary, but whether it had actually been adopted. Hastings ought to have been able to answer this distinctly. To say that he did not recollect having given instructions to tender his resignation, suggests the question, did he not then recollect that he had given no such instructions? It is incredible that a matter of such vast importance should pass from his mind like an idle subject of casual conversation, and that his resignation of the office of governor-general should have been felt to be of so little moment, that he could not recollect whether the man whom he had avowedly entrusted with some power was commissioned to tender it or not.

It has been said, that the power given in this respect was subsequently withdrawn.† This state-

* Letter, ut supra.

† Gleig's Memoirs of Hastings, vol. i. page 533.

ment rests upon a letter addressed by Hastings to Mr. Graham and Colonel Maclean, in which he professes to retract the resolution communicated to them in a former letter. That resolution was to leave Calcutta and return to England by the first ship of the ensuing season, if the advices from that country should convey disapprobation of the treaty of Benares and the Rohilla war, and should "mark an evident disinclination towards" him.* The knowledge of Hastings's intention in this respect was stated to be confined to his agents, who were to use it according to their discretion. This resolution it is that he retracted; and it is clear that the retractation of the governor-general's intentions to take his departure from India at a particular time, if certain circumstances occurred, is a very different thing from the withdrawal from his agents of the discretionary power of tendering his resignation previously given. The powers claimed by Colonel Maclean, and vouched for by Mr. Vansittart and Mr. Stewart, are not referred to in the supposed retractation. It is scarcely possible to doubt that such powers were given.† Why they were not in writing, like the

* Gleig's Memoirs of Hastings, vol. i. page 521.

† Maclean in addressing Hastings refers to those powers in a manner which might convince scepticism itself. See his letters in Gleig's Memoirs, vol. ii. The following is an extract from one of them; it relates to Maclean's interviews with the referees of the Court of Directors. Mr. Becher had asked if the agent had no direct authority to produce. Mr. Maclean says, "I answered, 'No; I believe neither Mr. Hastings nor any of those who were present thought it a matter of so much formality. If certain things were not obtained I was ordered to signify Mr. Hastings's

CHAP. IX.

conditions upon which Hastings insisted if he continued in the government, it is not easy to say. One mode of accounting for it is, that at the moment they were given, Hastings contemplated the chance that a change of circumstances might render it convenient to disavow them; and unfortunately neither his public nor private policy was sufficiently marked by straight-forwardness to discredit this supposition. It is certain, moreover, that circumstances had changed. The death of Colonel Monson had left Hastings master of the council, and this event has been generally regarded as the cause of his tenacity of office. Another cause has been suggested, in a virtual breach of the contract concluded between the ministry and Hastings's agent. Immediately after the appointment of Mr. Wheler to a seat in council, it was determined to grace the anticipated accession of General Clavering to the office of governor-general by bestowing on him the order of the Bath. No similar mark of royal favour was to welcome the return of Hastings, and the friends of the latter immediately wrote to the governor-general, giving their opinion that by

wish to be relieved; if they were obtained, I was ordered not to make this signification. But these orders were so strict and positive that I entreated and, with difficulty, obtained some latitude as to the time and mode of notifying this intention. I have now notified to you Mr. Hastings's wish to have a successor appointed, and no blame can lie with me now, but that of having ventured so long to delay it.' "—Gleig's Memoirs, vol. ii. page 88. It thus appears that Macleau's authority was referred to by him as confidently in addressing Hastings himself as others.

this act of the ministry the contract was dissolved, and urging Hastings not to resign.* What degree of effect their representations had upon him cannot be known; how far his purpose of retirement was shaken by the death of Colonel Monson is alike uncertain. It was not to be expected that, in an official exposition of his motives, he should advert either to the unexpected advantage which he had derived from the death of one of his opponents, or to the pique engendered by the ribbon bestowed on another; but his defence addressed to the Court of Directors is not only unsatisfactory, but inconsistent. At its commencement, after recounting the reasons that occurred to him for and against his resignation, he states that his mind was so divided that he could not come to any immediate decision; that he suspended his determination in the hope of his agent returning to India, or of learning by some other means the authorities under which the measures for supplying his place had been adopted; but that, having been disappointed in those expectations, he had determined at length to declare that he did not hold himself bound by the acts of Colonel Maclean. Towards the conclusion of the same document, he says that, notwithstanding his agent's want of authority, he had intended to comply with the engagements made in his behalf. He does not distinctly state the causes which led to the abandonment of this alleged intention, but he

* See letters of Col. Maclean and Mr. Stewart in Gleig's Memoirs, vol. ii. pp. 95 and 97.

CHAP. IX. appears to ascribe it to the conduct of General Clavering and Mr. Francis. That which is wanting in his public despatch is supplied in his private correspondence. In addressing Lord North, soon after the storm raised by General Clavering's assumption of the office of governor-general, Hastings says, "I was not pleased with the engagement made for me by Mr. Maclean—I will candidly own it; but I held myself bound by it, and was resolved to ratify it. This was my resolution; but General Clavering himself has defeated it, by the attempt to wrest from me by violence what he could claim only as a voluntary surrender; by persisting in asserting his pretensions to all the rights and functions of my office from a time already passed, and independent of my option, and by his incapacity to possess the government, after having by his own acts and declarations vacated the place from which alone he could legally ascend to it."* In this last sentence Hastings revives the ridiculous plea that General Clavering had vacated his seat in council; a plea which the judges of the supreme court had already disposed of, and which no man of common sense could seriously maintain. If, however, Hastings were wavering as to his decision, the violence of General Clavering was not ill calculated to expedite and direct it. The mark of ministerial favour bestowed on the general, and the

* Letter of Hastings to Lord North.—Gleig's Memoirs, vol. ii. page 159. In other letters Hastings held similar language. See the same volume, pages 156 and 164. In one of these letters he adverts to a minute in which his approaching retirement was referred to.

representations of Hastings's friends in England of its impropriety, might also have some effect. These things might enter into the motives of Hastings's conduct, or they might not. Here, as elsewhere, those motives are involved in so much mystery that the man who retires from the task of scrutinizing them, with a perfect conviction of the success of his labours, must be gifted with an extraordinary degree of confidence in his own powers of discovering truth.* CHAP. IX.

It is no part of the duty of the historian to vindicate the character and conduct of Hastings's agent, Colonel Maclean. He was obviously an intriguing man, and there is abundant reason to believe that he was an unscrupulous one; but it being presumed that Hastings had given him the authority which he claimed, there does not appear any ground for accusing him of either mistaking or neglecting

* Hastings surrounded every act of his life with mystery. In a letter to his friend Mr. Sulivan, dated 29th June, 1777, after stating that he had written to Mr. Dunning, he says, "I have now no channel to Lord North *nor encouragement to write to him;* yet I wish it were possible to make him acquainted with the late proceedings, especially those of General Clavering and Mr. Francis on the 20th inst."—Gleig's Memoirs, vol. ii. p. 172. It is scarcely credible, yet it is true, that on the very same day on which he thus wrote to Mr. Sulivan, he addressed Lord North, to whom he had "no encouragement to write," giving him an account of the very transactions which he so much wished to bring to the minister's notice, but, as he represented, wanted a channel.—See the above volume, page 157. It is remarkable that in his letter to Lord North Hastings does not deny the authority of his agent, he only expresses himself dissatisfied with the engagements made by him.

CHAP. IX. the interests of his principal. He found the ministry desirous of removing Hastings, and a majority hostile to him in the Court of Directors; he might reasonably, therefore, conclude that the voluntary retirement of the governor-general was the safest and most graceful course that could be taken. The conditions demanded by Hastings, he was informed, were not likely to be granted; and the non-compliance of the court with his wishes in this respect was to be the signal for his retirement. Hastings had other friends in England besides Maclean, and they all appear to have been convinced that the time for the governor-general to withdraw had arrived. Hastings, indeed, had, both publicly and privately, intimated his intention of suspending his resignation; but it was only till the judgment passed upon him at home could be ascertained. That event had taken place —the Court of Directors had decided against him, and determined on his removal. It is true that the Court of Proprietors had successfully interposed its influence in behalf of Hastings; but how far the majority in that court could be relied upon for preserving him in office for any considerable period, was a question fairly open to the consideration of those intrusted with the charge of the governor-general's interests:* the timorous and the bold, the

* Maclean, in his communications to Hastings, repeatedly refers to the difficulty of maintaining a majority in the general court. After relating the result of an interview with the Chairman of the Company, he says, "We retired with heavy hearts, sensible of the little chance we had to carry any question of violence against the majority in the Court of Directors, whatever

cautious and the sanguine, might decide differently, yet all might decide honestly, and none of them with manifest imprudence. The conduct of Hastings's friends has been represented as the effect of a deeper policy than at first sight appears. If Hastings voluntarily resigned, there was no serious impediment to his future return to office; if he were dismissed, a provision in the recent Regulating Act* precluded his restoration, except by the act of three-fourths of the Court of Directors, confirmed by three-fourths in number of the proprietors voting in a general court specially convened. Fear of the

chance we might have in a Court of Proprietors. How to bring our friends together from the distant parts of the country was the dilemma; and how to keep the discordant branches of our support together when they were met, in a direct attack on administration, was the danger."—Letter of Maclean to Hastings, in Gleig's Memoirs, vol. ii. page 80. In another place he says, in reference to an arrangement by which the business of Hastings was carried over a quarterly general court, "The adjournment *sine die* was carried. Not forty members attended this court; another proof that our measures were well timed, for what with the thinness of the town on one hand, and the indignation of the ministry, which had been liberally poured forth upon all those who had supported you on the first question, and whom they thought they could terrify, had we been obliged to proceed hostilely at this court, we should, I fear, have made but an indifferent figure."—Ibid. vol. ii. page 83. And again, "Without being on the spot, there is no conceiving of what heterogeneous and unstable materials our majority was made up, how difficult it was to collect, and how much more difficult to keep them together." —Page 84. It will be recollected that the friends of Hastings, in having recourse to a general court, were far from confident of victory; they avowedly acted under the impression "that they had nothing to lose by defeat."

* 13 Geo. 3, cap. 63.

CHAP. IX. consequences of this provision has been very confidently presumed to have actuated Colonel Maclean;* but there is no evidence to support the presumption, and as far as a judgment can be formed of the intention of Hastings and his friends, it would seem that his retirement was contemplated as final. The supposition that the provision of the Regulating Act influenced them is not necessary to explain their conduct. Without reference to that provision, it was obviously better that Hastings should retire with credit than be dismissed with disgrace. One point, however, in this strange series of transactions must strike every one who examines them—it is the extreme facility with which the Court of Directors yielded belief to the representations of Colonel Maclean, that he was authorized to tender the governor-general's resignation. This assertion, indeed, was supported by corroborative testimony, the truth of which there was no reason to suspect; but a verbal authority, though confirmed by respectable evidence, was not sufficient to justify the grave and important step of putting in motion the power of the Crown to fill up the place in council presumed to be vacant. In this case, as in many others, an inclination to be satisfied supplied the want of formal and authoritative proof. The Court of Directors wished to avoid a collision with the ministry on the one hand, or with the majority of the proprietors on the other. The measure suggested by Hastings's agent seemed to

* This view is taken by the Select Committee of the House of Commons, in their Ninth Report, 1783.

afford the means of effecting this; it moreover gave the opponents of Hastings all they wanted, without subjecting his friends to the mortification of defeat: it was consequently eagerly embraced. Could the party hostile to Hastings have foreseen the consequence of their conduct, he would not have enjoyed the opportunity of disappointing their wishes by disavowing his agent. But they were too much pleased with the prospect of attaining their object by compromise to examine very scrupulously into the authority on which the arrangement rested, or into the probability of the governor-general performing that which had been promised on his behalf. Hastings found it convenient to abandon his agent, or he had forgotten the instructions which he had given, or Maclean had exceeded his authority. The result was a convulsion which might have uprooted the new-founded empire of Great Britain in India, had it not subsided almost as soon as raised. In allaying the storm, the judges of the supreme court did good service to the state; and it must not be denied, that while General Clavering and Mr. Francis had by their violence placed the British government in danger, they subsequently evinced a far more conciliatory spirit than was shewn by their opponents.*

* The Select Committee of the House of Commons in their Ninth Report, 1783, express an opinion on the conduct of the court in accepting Hastings's resignation, very different from that maintained in the text. They say, "On this occasion the directors shewed themselves extremely punctilious with regard to Mr. Maclean's powers. They probably dreaded the charge of becoming accomplices to an evasion of the act by which Mr. Hastings, resigning the

CHAP. IX. Hastings, fixed in his seat by the decision of the judges, continued to exercise his power as absolutely

service, could escape the consequences attached by law to a dismission." It has been observed that there is no evidence that Hastings's restoration was contemplated by his agent, and that the presumption seems to lie the other way. The supposition that the court had reference to the motive which the committee suggest for Colonel Maclean's conduct, is equally gratuitous; and the assertion that extreme punctiliousness was displayed with regard to that officer's powers, requires for its refutation nothing more than an appeal to the facts which have been narrated. On some other points the Ninth Report of this Committee is marked by little judgment or scrupulosity of assertion. The view taken of the conduct of the judges of the supreme court, in relation to the dispute between Hastings and General Clavering for the governor-generalship, and the strain of argument adopted in treating of the supposed resignation, are singularly perverse. The following is the passage in which these points are discussed. "He [Hastings] insisted on continuing in the execution of his office, and supported himself by such reasons as could be furnished in such a cause. An open schism instantly divided the council; General Clavering claimed the office to which he ought to succeed, and Mr. Francis adhered to him. Mr. Barwell stuck to Mr. Hastings. The two parties assembled separately, and every thing was running fast into a confusion, which suspended government, and might very probably have ended in a civil war, had not the judges of the supreme court, on a reference to them, settled the controversy, by deciding that the resignation was an invalid act, and that Mr. Hastings was still in the legal possession of his place, which had been actually filled up in England. It was extraordinary that the nullity of this resignation should not have been discovered in England, where the act authorizing the resignation then was, where the agent was personally present, where the witnesses were examined, and where there was and could be no want of legal advice either on the part of the Company or of the Crown. The judges took no light matter upon them in superseding and thereby condemning the legality of his Majesty's appointment, for such it became by the royal approbation." The tone of this passage is very remarkable. The committee

as before, and to be subjected to the same annoyances from the unrelenting opposition of those

appear positively angry with the judges for averting "a civil war," which according to their own statement was impending; it would seem as though, in the judgment of this body, it would have been better that the disputes in council should have been referred to the decision of arms, than that Hastings should have been quietly continued in his seat. The fury of the committee on this point appears either to have obscured their perception of truth, or to have seriously weakened their regard to it. They affirm that the judges of the supreme court "settled the controversy, by deciding that the resignation was an invalid act." This is not correctly stated; the decision of the judges was not that the resignation was an invalid act, but that there had been no resignation at all. The first reason which they assign for determining against the right of General Clavering to assume the office of governor-general is the following:—"Because the office of governor-general was conferred on Mr. Hastings by act of parliament, and according to the tenour of that act can only be vacated by death, removal, or resignation. That Mr. Hastings is not dead is a notorious fact; no intention is manifested or act done by the directors in the least tending to his removal; *and we are firmly of opinion that he hath not actually resigned.*" In support of this opinion they adduced a variety of proofs, all tending to shew that the arrangements made on the supposition of Hastings's resignation had reference to that event contemplated as a future one. Indeed it could not have been otherwise; for if Hastings had actually resigned when his agent intimated to the court his intention of resigning, all his acts subsequently performed as governor-general would have been invalid, and he would have presided for several months over the British government in India without any better claim so to preside than one of the writers who copied its proceedings. Before the excitement of the contest had passed away, General Clavering and Mr. Francis, in defending their views as to Hastings's resignation, urged that the Court of Directors "nowhere called it an intended resignation." This assertion was verbally true, but substantially false. The Court of Directors had nowhere called it an *intended* resignation, but in their petition to the Crown, praying the con-

CHAP. IX. A.D. 1777. leagued against him. In August, 1777, Sir John Clavering followed his ally, General Monson, to the

firmation of Mr. Wheler's appointment, they had called it "a *proposed* resignation." A distinction may undoubtedly be conceived between that which is intended and that which is proposed, but the distinction will not avail the pleadings of Hastings's opponents. The heat of recent contest can scarcely be allowed to palliate their indulgence in an assertion so hasty or so dishonest, and a parliamentary committee, where gravity and temperance ought to prevail, should have kept itself clear of representations which the slightest reference to the history of the transactions under notice will refute. The astonishment of the committee, that "the nullity of the resignation should not have been discovered in England," might have been abated by a calm examination of the official documents, if the vivacity of those by whom the report was framed would have allowed them to descend to so dull an occupation. The half-avowed, half-suppressed, discontent discernible in the remark with which the committee dismiss this part of the conduct of the judges, might also have been mitigated by a consideration of what the judges had done and what their duty might have called them to do. "The judges," say the committee, "took no light matter upon them in superseding, and thereby condemning the legality of his Majesty's appointment, for such it became by the royal approbation." It is quite true that this was not "a light matter"—the interpretation of the law is never "a light matter." The charge of superseding and condemning the legality of the royal appointment, if true, might not have been discreditable to the judges, for the appointment might have been illegal, and then it would have been their duty to declare it to be so. But the charge is not true; the vehemence of the committee is too great to allow them to state what appointment they refer to as superseded and condemned for illegality. General Clavering claimed to succeed to the office of governor-general, not under the royal appointment, but under the provisions of an act of parliament. It must be presumed, therefore, that the appointment alluded to by the committee was that of Mr. Wheler to a place in council. The judges neither superseded this appointment nor impugned its legality. Their decision affected it only incidentally. They gave to the terms in which it was made

grave; his death being, it is believed, accelerated by the irritation of mind in which he had long been

the only interpretation which they would reasonably bear. Mr. Wheler was expressly appointed to supply the vacancy to be occasioned by the resignation of Hastings. The vacancy had not occurred, for Hastings had not resigned.

Some confusion seems to have prevailed in the minds of Hastings's friends, as well as of his enemies, with regard to the position of Mr. Wheler. Even the man by whom the proposed resignation of Hastings was negotiated seems not to have known the precise effect of the acts consequent upon it. In a letter to Hastings, dated the 12th May, 1777, Colonel Maclean says:—"Since the receipt of the Syren's despatches I have more than once endeavoured to learn Lord North's opinion of what he wishes you to do in consequence of General Monson's death, but I have not yet got any clear lights to form an opinion upon; though I am at no loss to guess that, however he may wish, he dreads the consequences of your return from India in the present critical state of affairs. An incident will enable you to judge on this head, in case Mr. Robinson does not speak out to Elliott to-morrow, or to yourself in a letter he writes to you by him. The incident I allude to is this: When the Syren arrived, Wheler was at Portsmouth ready to sail; he posted back to London, obtained a fresh appointment to succeed to General Monson's vacancy, and directly returned to Portsmouth. Mr. Robinson inquired whether Mr. Wheler had surrendered his first appointment for succeeding to you on your resignation; he found that Wheler had not made this surrender. He immediately sent an express to Portsmouth, that Wheler might send his surrender in form; but he had sailed. Mr. Robinson then got it clearly settled and ascertained in the secretary of state's office, that Mr. Wheler had vacated his *first* appointment by the acceptance of the *second*. Thus you now stand without a successor, for Sir Eyre Coote has *not accepted;* and, till a successor arrives, how can you resign? This is my opinion, upon the most mature consideration; and, unless Lord North speaks out, I must, from what has passed, think it to be his, as well as Mr. Robinson's opinion also."—Gleig's Memoirs of Hastings, vol. ii. pages 100, 101. Colonel Mac-

CHAP. IX. kept, and the vexations to which he had latterly been subjected. Hastings and Barwell had now a

lean appears to have thought that Mr. Wheler's first appointment was to succeed Hastings as governor-general. No such appointment could be made, because the act 13 Geo. III., cap. 63, expressly provided, that "in case of the avoidance of the office of such governor-general, by death, resignation, or removal, his place shall, during the remainder of the term aforesaid [five years], be supplied by the person of the council who stands next in rank to the governor-general." The person standing next in rank to the governor-general was General Clavering, and he would necessarily have succeeded on the retirement of Hastings. From the state of General Clavering's health, some apprehension of his death seems to have existed; but that event would have affected the order of succession only by the removal of an individual from it. The next councillor, whoever he might be, would then be next in succession to the seat of the governor-general. It is not likely that either Lord North or his secretary should have been ignorant of this. From the Records of the Company it appears that, on the 21st April, 1777, the Court of Directors referred to the committee of correspondence, with the aid of the Company's solicitor, to consider of settling the rank of Mr. Wheler in the council of Bengal, which the court were advised might "be so done as to place him in the first vacancy that shall happen, either by the death or resignation of General Monson." On the 28th, the committee reported that they had prepared a petition to his Majesty, "revoking the previous appointment of Mr. Wheler to succeed on the vacancy which might happen on Mr. Hastings's resignation; and praying that Mr. Wheler may succeed in the council of Bengal, on the vacancy occasioned by the death of Lieutenant-General Monson;" and it is recorded that "the said petition was read, approved, and signed." On the 2nd of May, the chairman, again calling the attention of the Court of Directors to "the necessity of revoking their former appointment of Edward Wheler, Esq., to be a member of council at Fort William in Bengal, on a vacancy by the resignation of Warren Hastings, Esq., the former applications to his Majesty for approving such appointment were accordingly withdrawn, and an instrument being prepared, nomi-

numerical majority in council, and for a few months the casting vote of the former was not necessary to

nating and appointing Edward Wheler, Esquire, to be one of the said council, on the vacancy occasioned therein by the death of Lieutenant-General Monson, the same was read, approved, and signed; also a petition to his Majesty praying his royal approbation of such nomination and appointment." At a court held on the 6th May, two letters were read from "Edward Wheler, Esq., on board the Duke of Portland, at the Mother Bank, the 29th ult. [April], and off the Start, the 4th inst. [May], the latter enclosing his surrender of his former appointment to succeed as the member of council at Fort William, in Bengal, on the resignation of Warren Hastings, Esq." Maclean, writing six days after the surrender, appears to have been ignorant of it, and what he relates as to the alarm of Mr. Robinson, in all probability rests on nothing but gossiping rumours. The fact, however, of Mr. Wheler's own friends having cancelled his appointment to succeed to a place in council, on the resignation of Hastings, might have convinced any one that the appointment was not to the office of governor-general. The motive for making him succeed on the death of General Monson instead of on the resignation of Hastings, is obvious: it brought him nearer to the presidential chair. Succeeding to the place of General Monson, he succeeded to all the incidents of that place.

Maclean represents Lord North as anxious to learn what effect Monson's death was likely to have on Hastings's determination to resign, but his lordship does not appear to have treated the agent with much confidence. In the letter above quoted Maclean says, "At Lord North's last levee, he asked me what change I thought General Monson's death would make in your conduct or way of thinking? My answer was, 'My Lord, Mr. Hastings is a man of the strictest honour, and one of the warmest friends of the King's government; if your lordship will honour me with the confidential communication of your wishes on this occasion, I will pledge myself to you that, barring unforeseen accidents, your desire shall be conveyed to Mr. Hastings in three months, and that he will cheerfully comply with it. Mr. Hastings has no wish but to facilitate the measures of government, and to prove himself the most faithful servant of the Crown.' His lordship

CHAP. IX.

the success of his measures. Mr. Wheler arrived not long after Sir John Clavering's death, and took his seat in council as the successor of General Monson. The news of General Monson's decease had reached England before Mr. Wheler's departure, and in consequence, the previous appointment of that gentleman to succeed on the vacancy occasioned by the retirement of Hastings was revoked, and its place supplied by a new one, nominating him to the place in council actually vacant by the death of General Monson. Mr. Wheler affected to maintain a neutral part between Hastings and Francis; but, as might have been expected, he almost invariably supported the latter, and thus reduced the contending forces to that equilibrium which had prevailed

expressed the utmost satisfaction; treats me with uncommon civility on all occasions; but has never since renewed the subject or explained himself, though a fortnight has elapsed."

The disputes which arose out of the contested right to the office of governor-general led to a provision in the Act 24 Geo. III., cap. 25, "that no resignation to be made of the offices of governor-general, or governor, or president of any of the subordinate settlements, or commander-in-chief, or member of the respective councils in India, shall be deemed or construed to be legal or valid, or shall be accepted as such, unless the same be made by an instrument in writing under the hand of the officer or person resigning the same." Later acts contain similar provisions. By 3 & 4 Wm. IV., cap. 85, it is enacted, that no act or declaration of any governor-general, governor, or member of council, shall be taken as a resignation, excepting "a declaration in writing under hand and seal delivered to the secretary for the public department of the presidency wherein he shall be, in order to its being recorded." Only one other mode of vacating office is recognized—return to Europe, or departure from India with intent so to return.

before the death of Sir John Clavering, and which required the interposition of the governor-general's casting vote to prevent the machine of government from coming to a dead stand. To Hastings this state of things was perhaps not disagreeable, although it placed him in a situation of extraordinary responsibility. He liked power, and he liked the appearance of it not less than the reality. He had great confidence in himself and a strong disposition to annoy his opponents. The additional responsibility incurred by his peculiar position was therefore little felt; and if it ever sate unusually heavy on him, its presence was lightened by the gratification which he derived from the reflection that those who hated him, and whom in turn he hated, were under his rod, without the power of moving hand or foot in the exercise of their public duties, except so far as he pleased to permit them.

Among the subjects which at an early period after the arrival of Mr. Wheler occupied the attention of the council, was a letter addressed to the governor-general by Mobarik-ul-Dowlah, complaining bitterly of the conduct of Mahomed Reza Khan in the management of his affairs, and alleging, that as that person was not connected with the prince either by the ties of nature or attachment, his continued possession of the high degree of power with which he was invested was oppressive and dishonourable to the family. The Nabob observed, that he had now attained that age when, by the law and usage of Mahomedanism, he ought to take the management of

CHAP. IX. his own affairs; and he added, in no very elevated strain of self-laudation, that he was not so devoid of understanding as to be incapable of conducting them. He reminded the governor-general that the power of the Company was derived from the support of his ancestors, and on these grounds claimed to be emancipated from the tutelage of Mahomed Reza Khan, and admitted to the personal management of the affairs of the nizamut and of his household. The letter was laid by the governor-general before the council, and it is unnecessary to say that it gave rise to great differences very warmly expressed. Mr. Wheler proposed to do nothing till the decision of the Court of Directors could be ascertained. The governor-general opposed; but it happened that Mr. Barwell was absent, and Mr. Francis supporting Mr. Wheler, the motion was carried. At the next meeting of council Mr. Barwell was at his post: the resolution of the previous meeting was summarily reversed, and the Nabob's request complied with. After the lapse of a few months, the governor-general produced another letter from the Nabob, suggesting a plan for disposing of the salary of Mahomed Reza Khan. In the distribution a considerable share was allotted to Munny Begum. Another portion was to be enjoyed by the Nabob's mother, Baboo Begum. It happened, too, that the amount of money proposed to be distributed exceeded that formerly enjoyed by Mahomed Reza Khan by eighteen thousand rupees per annum, and the Company were invited to make up the excess.

Mr. Francis and Mr. Wheler objected to this, as they did to the entire arrangement, and recorded minutes assigning reasons for their opposition. The governor-general and Mr. Barwell embarked in no strife of words. The former moved that the requisitions of the Nabob should be complied with; the latter simply wrote, "I assent to the governor-general's motion." That motion was necessarily carried. Looking upon the imputations which had been cast upon the governor-general with reference to Munny Begum, his adopting or proposing this arrangement —for the suggestion no less than the completion has been ascribed to him—was at the least injudicious. It was, however, but one of many instances of a folly in which Hastings was wont to indulge; he seemed to delight in setting public opinion at defiance. That the Nabob was but a tool in the hands of others was rendered probable by the fact, that on a former occasion he had bitterly complained of Munny Begum, to whom he now proposed to give power and the command of wealth. If such were his position, there can be little question as to the hand which guided and directed him.

This part of Hastings's conduct was severely animadverted upon by the Court of Directors, who ordered their wish for the restoration of Mahomed Reza Khan to be signified to the Nabob, and an assurance of their continued favour to be conveyed to Mahomed Reza Khan himself. These orders were obeyed; but in the letter, not in the spirit. In communicating the desire of the court, Francis and

CHAP. IX. Wheler proposed to call upon the Nabob to comply with it. Hastings and Barwell contended for a simple communication of the wish of the court, leaving the intelligence to produce its own effect. It did produce all that could be expected—a remonstrance from the Nabob; and but for an event which will soon be noticed, the restoration of Mahomed Reza Khan might have been postponed till the power of thwarting it had departed from Hastings.

The Court of Directors had also ordered the restoration of Mr. Bristow, whom the governor-general had removed from the residency at Oude, and of Mr. Fowke, whom he had displaced at Benares. These orders were treated with the same degree of respect which was accorded to those relating to Mahomed Reza Khan; they were received, read, and coolly set at naught.

A few months, however, wrought a change, and in a manner calculated to excite surprise. From the temper which had been manifested both by Hastings and Francis, the expectation of an accommodation being effected between them must have appeared one of the most extravagant that could be entertained; but little as it was to be anticipated, such an event was about to take place. The motives of the parties are not perfectly clear. Both, indeed, professed to be weary of controversy; but few persons who have studied the characters of the combatants will be disposed to give either of them credit for the feeling. Each had a confidence in his own judgment amounting to presumption; and the change

in their conduct is probably to be ascribed to circumstances rather than to any abatement either of their arrogance or of their mutual hatred.

The period of office secured by the act of 1773, to the persons therein named as governor-general and council, had expired before Hastings and his coadjutors had notice of any provision being made for such an event: they consequently continued to exercise their functions, and were in course of time apprized that an act had passed, continuing the existing governor-general in office for one year.* Sir Eyre Coote had been appointed to succeed General Clavering in the command of the army and to a place in council. In the latter capacity he usually supported Hastings, but not with the undeviating constancy of Barwell. Barwell had passed twenty-three years in India, during ten of which he had been a member of council. He had enjoyed abundant opportunities of acquiring wealth, and having improved them was desirous of retiring to the enjoyment of his fortune at home. This event Francis, it may be presumed, was not indisposed to accelerate. It would relieve him from a steady opponent, and deprive Hastings of a friend, whose vote was never denied to any measure which he chose to recommend. In proportion, however, as the retirement of Barwell was desired by Francis, it was dreaded by Hastings. He discerned in it the downfall of that absolute power which he had for some time exercised; and though

* 19 Geo. 3, chap. 61.

CHAP. IX. Barwell's feelings of friendship might render him reluctant to abandon the governor-general and his measures to a council where two would always vote against him, and the third could not be depended upon for steady or permanent support, it could not be expected that he would from this cause defer for any long period the gratification of his own yearnings for ease and home. Regarding the departure of Barwell, therefore, as an event that could not be far distant, Hastings was not indisposed to soften the asperity of an enemy whose power of opposing him was about to be greatly increased. He could not hope to convert him into a friend—probably he did not wish it, but he might expect to diminish both the vigour and the frequency of his attacks, and to secure, by a surrender of some points on which Francis had been most pertinacious, the liberty of pursuing unmolested those plans in which his own mind was most deeply interested. Such is the best account that can be given of the probable motives of those concerned in the negotiation. The overture appears to have proceeded from Francis, and to have been made on his behalf by a Mr. Ducarel to Major Scott, a great favourite of the governor-general and his agent in various important and confidential transactions. The principal conditions required by Francis appear to have been explained at the meeting. The result was communicated to Hastings, and the two principals subsequently met to complete the pacification so happily commenced by their agents. The value which

Hastings attached to the success of the negotiation may be estimated by the sacrifices which he made to secure it. A man more unrelenting in his hostility never lived; yet he consented to purchase peace on the condition of immediately restoring Mr. Fowke to the office which he had formerly enjoyed, from which Hastings had removed him, and to which he had shortly before refused to restore him, though his restoration was required by the express orders of the Court of Directors. Mr. Bristow, who had been removed in like manner, whose restoration had in like manner been ordered by the Court of Directors, and in like manner deferred by Hastings, was also to be restored, though not immediately. Further to propitiate his rival, Hastings agreed to conform to the orders from home respecting Mahomed Reza Khan. These concessions were so many virtual acknowledgments that Hastings had acted factiously in his previous dealings with the parties whose return to employment was thus provided for. He had not only removed, but had persisted in excluding them from office, in opposition to the deliberate judgment of those whom he served. Nothing but the strongest public necessity could justify such a course; but such necessity, if it ever existed, continued in full force at the time when he consented to replace them. The inevitable conclusion is, that personal aversion dictated their removal, and personal convenience led to the engagement to restore them.

CHAP. IX. The case of Mahomed Reza Khan affords the most striking exemplification of this view of the subject. Here, according to Hastings, a great public principle was involved. He had argued that the Nabob's demand to be relieved from the services of Mahomed Reza Khan was "grounded on positive rights, which" would "not admit of discussion."* He had maintained that, as a sovereign prince who had arrived at years of maturity, no control could lawfully be exercised over him; yet he now consented to restore to the highest office in the Nabob's service a man against whom that prince had formally appealed to the government of which Hastings was the chief. The governor-general indeed, on an occasion antecedent to that on which he had so vigorously asserted the Nabob's rights, had spoken of that prince as "a mere pageant, without the shadow of authority."† Hastings indeed appears never to have felt himself bound by any opinion beyond the moment when it was advanced. He was never at a loss for reasons to justify any course which was convenient or which passion rendered desirable; and his principles were adopted and relinquished with as much facility as if they had avowedly been but instruments for accomplishing certain ends—cumbrous arms not to be dispensed with, indeed, in the field of warfare, but which no one would assume

* Minute, Fort William Secret Consultations, 5th March, 1778.

† Minute of governor-general, Fort William General Consultations, 7th December, 1775.

without necessity, and with which no one would embarrass himself for a moment after the necessity had passed away.

The conclusion of the truce with Francis was to be followed, at no great distance of time, by another compromise scarcely less remarkable. Almost from the period when the judges of the supreme court entered on their functions, serious differences had existed between them and the government. The court seemed resolved to press its jurisdiction to the very extent of the limits prescribed to it by law, if not a little beyond them. The jurisdiction of the court had been restricted to British subjects resident, or having been resident, within Bengal, Behar, and Orissa, or having debts, effects, or estate there, and to persons employed directly or indirectly in the service of the Company, or of British subjects; these words being intended to exclude the natives generally, they being regarded as subjects of the Nabob: with regard to these, the jurisdiction of the court, with the exception already mentioned, could only be exercised with consent of parties. The court, however, adopted such principles of construction as threatened to bring within its power every inhabitant of the three provinces on whom any one might desire to inflict the vexation and expense of a law-suit. No man could calculate on being able to escape its meshes, and all regarded it with horror. To the poor the expense attending its proceedings was frightful; to the rich its forms of process were so offensive as to be more dreaded than even death.

CHAP. IX. In a country where the tendency to litigation is so strong as it is in India, where revenge is so long cherished and so remorselessly gratified, the supreme court became a frightful instrument of injustice and oppression. Its lower retainers were among the vilest and most abandoned inmates of a crowded Indian city, and the manner in which they exercised their unpopular calling may readily be conceived. The government was not less hostile than the people to the assumptions of the supreme court, for the judges were charged with exceeding their authority by interfering with the collection of the revenue; and further, they had claimed the right of calling for the production of the records of government in their court.* Having advanced thus far, it was not to be

* The first attempt to exercise this power was in an action brought by Mr. Stuart, who had been dismissed from the office of secretary to council, against his successor, Mr. Auriol, to recover one month's salary received by the latter gentleman, and alleged by the former to be due to him. The plaintiff's attorney addressed a letter to the assistant secretary to council requiring him to produce sundry papers, including letters from the Court of Directors to the government of Bengal, and portions of the Consultations of that government. The majority of the board resolved not to comply with the requisition; whereupon the assistant secretary was served with a subpœna, and attending the court thereon, but without the papers, he was told that by not producing them he had made himself liable to all the damages of the suit. He answered that he could not produce the papers without the permission of the board; and that they, being apprized of the attorney's application, had ordered him not to comply with it. He was then called upon to declare whether the board were unanimous in refusing the papers, and if not, which of the members had voted for their production and which against it. The counsel for the defendant objected that the assistant secretary

expected that the judicial institutions of the country would meet with much respect. In one case a verdict, with heavy damages, was given against several parties concerned in certain proceedings before the

could not answer this question without a breach of his official trust. The court disregarded the objection, and insisted upon an answer, declaring that the withholding the papers was a denial of justice, and that as the board was no corporation the individual members who had concurred in the refusal were severally liable to actions. The comments of the governor-general and council on this extraordinary decision are not unworthy of notice. They say, "According to the doctrine delivered from the bench, it is unlawful for your governor and council to refuse to produce, in open court, any papers deposited in our secretary's office, whenever they shall be demanded by an attorney, as necessary for the information of the court in any case depending before them. This doctrine is general and indefinite; it makes no distinction in the nature of the papers to be produced, and leaves no discretion to us to judge of the consequences which may attend their being divulged. It depends upon the caprice or ignorance of any attorney to expose the transactions of your [the Court of Directors] affairs in every branch, and even your most secret instructions to us, to the curiosity and comments of every bystander in a public court, perhaps to the avowed enemies of the Company and nation. If your governor and council, alarmed at the probable or possible consequences of such a publication of your records, should hesitate, or refuse to comply with the attorney's requisition, they are charged with the positive denial of justice, and are said to be liable to personal actions for damages. A distinction is made between the acts of the majority and those of the council, notwithstanding it is expressly provided by law that the governor-general and council shall be bound and concluded by the opinion and declaration of the major part of the members present; and the chief justice obliges our assistant secretary to declare, in open court, the opinion given by each member of council, in order to found an action against such particular members as composed the majority."—Letter to the Court of Directors dated 29th November, 1775.

CHAP. IX.

provincial council of Patna, including some Mahometan functionaries employed by that council. Another verdict passed, at the suit of the same plaintiffs, against the members of the council. It would be difficult to shew that it was any part of the duty of the supreme court to control and regulate the courts subsisting under the authority of the local government; but in this case they assumed the power, and they decided the question before them, moreover, upon a maxim of English law, *delegatus non potest delegare*, of which, however sound and rational it may be, the parties thus visited with punishment in the shape of damages which they were unable to pay, had never heard.

The state of the country which resulted from the occurrence of such proceedings is thus characterized by one who had minutely investigated the subject.* Speaking of their effect upon persons interested in the construction of the law, he says, "The general alarm which the claim of jurisdiction by the supreme court of Calcutta over these persons has spread, appears from the petitions of the renters of the Patna province, and other districts, requesting to be discharged from their engagements with the Company. Nor is it difficult, from the instances collected in the numerous papers I have perused, to discover that their apprehensions are well founded. Persons confined by the courts of dewanny adawlut † are collusively arrested by process from Calcutta, or removed

* Mr. Rous, standing counsel to the East-India Company.

† The revenue courts of the country.

by *habeas corpus*, where the language is as unknown as the power of the court; the process is abused to terrify the people; frequent arrests made for the same cause; and there is an instance of the purchaser of a zemindary near Dacca who was ruined by suits commenced by paupers, suits derived from claims prior to his purchase, and who was at last condemned in considerable damages for an ordinary act of authority in his station. Hence the natives of all ranks become fearful to act in the collection of the revenues; the renters, and even hereditary zemindars, are drawn away or arrested at the time of the collections, and the crops embezzled."

After pointing out some other evils attending the extension of the jurisdiction of the supreme court, the writer thus continues:—"When to these abuses, incident to the institution of the court itself, derived from the distance of those amenable to its jurisdiction, and from the invincible ignorance of the natives respecting the laws and practice of the court, we add the disgrace brought on the higher orders, it will not perhaps be rash to affirm, that confusion in the provinces and a prodigious loss of revenue must be the inevitable consequences of upholding this jurisdiction." The writer above quoted, in another place, says, "The natives in their petition represent the lawyers as masters of right, and conceive that whomsoever they favour he must prevail. It is obvious, indeed, that an intricate system of unknown law, administered in an unknown tongue at a great distance from the residence of the parties, must be

CHAP. IX.

a plentiful source of abuse, which no wisdom in the judges can possibly correct." On this last point the judges held an opinion very different from that of the commentator on their proceedings. Entertaining an unbounded admiration of their own wisdom, no less than a belief in the almost unlimited extent of their power, they never appear to have doubted that so much wisdom, combined with so much power, was equal to the correction of any abuse however minute, however secret, however distant, or however complicated. It might have been thought that the jurisdiction assigned to the supreme court was sufficiently large even under the limitations intended by the legislature. They were such as no single court in England exercised, and required an extent of learning which no lawyer in England would have pretended to possess. They demanded not only a familiar acquaintance with the principles and practice of both common law and equity, but also so much knowledge of international, civil, and canon law as was necessary to the exercise of admiralty and ecclesiastical jurisdiction. The administration of such various systems of law, which in England is deemed to require distinct courts and judges, assisted by advocates who for the most part direct their studies and confine their practice to a very limited portion of the whole, was in India allotted to a single court, the members of which were ready not only to encounter the labour imposed upon them, but to add to it by involving themselves most unnecessarily and unwisely in the

intricacies of Hindoo and Mahometan law, of which they could not be expected to know even the elements. True it is, that their mode of dealing with this class of questions was very simple. To disentangle the knot was no part of their practice—it was cut without ceremony, and without regard to the suffering and ruin which were to ensue. The government, however, could not see the peace of the country disturbed and the sources of its revenue cut off without anxiety. They were responsible for both; and the dissatisfaction which, on public grounds, the acts of the judges were calculated to produce, was aggravated by the attacks which had been made upon their authority, and by the perception of the intention, obviously existing in the supreme court, to render the power of the governor-general and council, as far as was practicable, subordinate to its own.

The time when mutual and long-cherished discontent was to issue in an open conflict at length arrived. An opulent native, named Cossinaut Baboo, had given security to the government for certain rents payable by the rajah of Cossijurah, in his capacity of zemindar. Cossinaut had also acted as manager of the zemindary, the accounts of which were involved in much difficulty. There were disputed questions between Cossinaut and the government; there were others in which the claims of Cossinaut were opposed by those of the rajah or of the cultivators. Government had proceeded to vindicate its claims by an appeal to the law, but an

CHAP. IX. arrangement subsequently took place, and a further examination of the accounts was entered upon by mutual agreement, Cossinaut depositing the sum in dispute. Before the examination was completed, Cossinaut commenced an action against the rajah in the supreme court, and in order to entitle him to its interposition, made oath that the zemindar was employed by the East-India Company in the collection of the revenues. Upon this a *capias* issued, with a clause authorizing the sheriff to take bail to the amount of 300,000 rupees.

An officer proceeded to execute the writ, and the zemindar, having obtained information of the approach of the unwelcome visitor, disappeared. The governor-general and council, on being apprized of the facts, had recourse to their legal advisers. The Company's advocate-general gave his opinion that the legislature did not intend to subject zemindars to the authority of the supreme court; and after adverting to the peculiar position of the English in India, as well as to the difficulties which had arisen and were likely to arise from the imprudent and extravagant assumptions of the judges, he advised that the zemindar should have notice that, not being subject to the jurisdiction of the court, he should not appear, or plead, or do, or suffer any act which might appear on his part to amount to a recognition of the authority of the judicature, as extending to himself. The advocate-general further advised, that in all similar cases, as well as in that before him, the power of the government should be

withheld from affording aid to the judicature of the court; that the court should be left to its own means of executing its process; and that the judges should (in the language of the advocate) "thus render themselves responsible to the state for having, should such be the event, unnecessarily hazarded the dignity and authority of the King's judicature, by exposing its process to contempt and its officers to resistance and repulse."* The advice of the

* This opinion of Sir John Day exhibits a remarkable degree of professional fearlessness and practical good sense. He says, "At home, where the laws have all their energy, and being their own laws, and having grown up with them, the people, from habit, at least, pay them a willing reverence and a prompt submission; still if, from the slow and imperceptible changes in the circumstances of the state and the manners of the people, unforeseen and almost insurmountable difficulties have often embarrassed the execution of them, insomuch that at times, rather than depart from principles, it has been found necessary to resort to fiction, can it be expected that in the unauthorized attempt to bend at once the temper, manners, and prejudices, customs, religion and government of a people who, besides a human form, have no one thing in common with us, to a foreign law, the wisdom of the wisest shall not be often at a stand?" There is so much of sound reason and good feeling in this passage, that it may appear almost captious to take exception to a single phrase; but Sir John Day was wrong in speaking of the natives of India as having nothing in common with Europeans but "a human form." They have much more; they have all the passions and feelings, good as well as evil, which we possess. Justice and kindness are due to them as members of the great human family, and the exercise of those virtues towards them will never be thrown away. Paralysed by superstition, rendered distrustful by ages of misgovernment, their minds cannot be expected at once to expand into the vigour and maturity of European intellect and feeling; but time only is wanting to effect the change, and it is already in rapid progress. The humane and generous spirit which pervades Sir John Day's

CHAP. IX. advocate-general was followed. The European collector at Midnapore was instructed to apprize the zemindar of the views of the governor-general and council, and if applied to by the sheriff for military assistance to refuse it.

The writ of *capias* was returned unexecuted; and a writ was thereupon issued to sequester the lands and effects of the zemindar in order to compel his appearance to the action. To enforce this writ the sheriffs' officer was attended by a body of about sixty sepoys and European seamen; the former furnished by Cossinaut, who, in accordance with a common practice among wealthy natives, kept in pay an armed force;* the latter consisting of sailors discharged from ships in the river. The whole were armed and provided with ammunition. On this preparation becoming known to the governor-gene-

paper, renders it evident that it was not his intention to give deliberate expression to an opinion unfavourable to the native character. The exceptionable phrase was a casual inadvertence, pardonable when his mind was occupied with a question of so much importance as that submitted for his consideration. In a subsequent part of the document, the advocate-general renders justice to that ready submission to authority which is one of the most distinguishing characteristics of the people of India. "That obstacles upon this head," he says, "should now arise in the way of jurisdiction, seems less extraordinary than that they did not find themselves obstructed at their outset by difficulties which, *as caution had not avoided*, no management could surmount. It has been the good fortune, however, and that of those who have an interest in the preservation of their provinces, that they had pliant matter to work upon; and when that is the case much may be effected by temper, moderation, and address."

* See vol. i. page 226.

ral and council they ordered Colonel Ahmuty, the officer commanding at Midnapore, with a view to preserve the peace of the country, to dispatch a sufficient force to intercept and apprehend any body of men answering the description of those understood to be employed for executing the work of sequestration. These orders did not arrive in time to prevent an attempt to execute the writ. A sergeant, with part of the sheriff's force, effected an entrance into the house of the zemindar and endeavoured to pass into the zenana.* They were resisted, and for the time overpowered; but the sheriff's party being reinforced, possession of the house was obtained, the sanctity of the zenana violated, the zemindar's dewan seized and detained as a prisoner. The state of affairs was soon changed by the arrival of a party of troops dispatched by Colonel Ahmuty under the orders which he had received from the government. The sheriff's men were made prisoners and marched off to the presidency. These proceedings were followed by the issue of a government notice addressed to all zemindars and landholders, advising them that they were not subject to the supreme court, except under particular circumstances, which were pointed out, and warning them not to plead to any action brought therein, nor to do nor suffer any act which should amount to a recognition of its authority over them. This was transmitted to all the provincial councils and collectors, with orders to give it publi-

* The apartments of the women.

CHAP. IX. city; and those authorities were, at the same time, directed not to afford any aid to the service of the process of the supreme court in cases where, by the terms of the notice, the parties against whom such process was directed were declared to be exempt from the jurisdiction of the court. These events occurred in the months of November and December, 1779.

A. D. 1780. On the 18th January following, rules were granted in the supreme court, calling upon certain persons alleged to be connected with the resistance offered to the process of the court, to shew cause why attachment should not issue against them. Those persons were Lieutenant Bamford, the officer commanding the party by which the sheriff's followers were dispossessed and made prisoners; Mr. Swanston, assistant to the collector at Midnapore; and Mr. North Naylor, the Company's attorney. The principal offences charged on the last named gentleman were his having made inquiry at the sheriff's office as to the means taken for executing the writ, and being privy to the dispatch of the military force by which the execution was frustrated. Application was at the same time made for rules against the governor-general and Mr. Barwell; but the chief justice was under the influence of a remarkable degree of discretion, and he declared that the court would not grant a rule which they "could not enforce," but he directed copies of the rule to be served upon both, in order that they might answer the matters sworn to if they chose. The leniency with which the

chief justice treated the members of the government was not extended to their attorney. On a future day the rule against Mr. Naylor was made absolute, and he was required to answer a string of twenty interrogatories. Mr. Naylor regarded compliance with this order as inconsistent with his professional duty; and, with a view to the influence of meditation in effecting a change in his judgment, he was committed a prisoner to the common gaol of Calcutta.* The governor-general and council were, about the same time, served with summons from the supreme court, to answer to Cossinaut Baboo in an action of trespass. There could be little doubt as to the ground of this action, but as it did not appear on the summons, and might, "by bare possibility, have relation to questions of a private or personal nature," appearance was entered for all the parties. The plaint confirmed the suspicion which had been entertained; and it being evident that the action related to matters done by the governor-general and council in their public capacity, they directed their counsel to withdraw their appearance.

* This remark is not lightly made, nor is it an exaggeration of the views not merely entertained but avowed by the chief justice Sir Elijah Impey. The following is actually a literal report of part of the proceedings on the subject:—

"Mr. Lawrence (counsel for Mr. Naylor).—I hope your lordship does not mean that Mr. Naylor shall answer in *vinculis?*

"Chief Justice.—Why not? Mr. Naylor will have more time to think of his conduct and prepare his answer."

Minute of Proceedings in Cossijurah, Appendix No. 21 to First Report of Select Committee on Administration of Justice in India, 1781.

CHAP. IX. The wrath of the court was thereupon roused to fury. The conduct of the government was declared to be "a clear contempt of his Majesty's law, and of his court;" but the indignation of the judges subsided on recollecting from whom the contempt proceeded. The counsel for the Company had tendered a paper containing the resolutions of the government. The court ordered this paper to be recorded, "but," says Sir Elijah Impey, "as it was in the case of the governor-general and council, did no other act in consequence of it."* The judges, however, determined that the defendants could not withdraw their plea without leave, and that if they applied for such leave, it would not be right to grant it; that both as British subjects, and as being employed by, and in the service of the East-India Company, they were subject to the jurisdiction of the court as individuals, and that there was no distinction between their concurrent and individual acts; and, finally, that the court would proceed in the case before them as in any other where there was a default of appearance. The plaintiff had previously applied to the court to have the cause set down to be heard *ex parte* for default of plea, and the application had been granted. But this affair, which had threatened consequences scarcely less serious than those dreaded at an earlier period from the conflict of rival claims for the first place in the government, terminated in a manner as extraordinary as it was unexpected. Cossinaut

* Cossijurah Appendix to Report, No. 25.

Baboo suddenly discontinued his actions against the governor-general and members of council, and also that against the zemindar, out of which the others had arisen. His motives are unknown. It has been surmised, and with strong probability, that Hastings could have thrown some light upon them. A still more remarkable event was to follow at the distance of a few months from the discontinuance of Cossinaut's actions. Sir Elijah Impey, chief-justice of the supreme court, was made judge of the Sudder dewanny adawlut, the highest court of justice existing under the authority of the Company. To this appointment a salary of sixty thousand rupees per annum was annexed.

Thus terminated the conflict between the government of Bengal and the supreme court, provoked by the judges, and carried on by them with a lamentable disregard of their own duty and of the public interest. Their infatuation led to resistance from the power which was bound to lend its support to their authority. The course taken by the government cannot be defended upon any ordinary principles, but the circumstances under which they were called upon to act were not of an ordinary character. The judges acted under the authority of an act of parliament, and the governor-general and council had no legal right to interpret that act. According to strict law the court might determine its own jurisdiction, subject to appeal to the King in council; but the assumptions of the court were so monstrous, and the consequences likely to flow

CHAP. IX. from them so fearful, that the government had only to choose between resisting the power of the court, on the one hand, or, on the other, calmly witnessing the total ruin of the country committed to their care. The land was passing out of cultivation under the terror of the supreme court; the people flying from their habitations to escape the outrages offered by its myrmidons to their persons and their feelings; and, if its course had not been timely arrested, the country would have become a desert—the bailiffs of the supreme court its lords. The governor-general and council could not have been justified in suffering this state of things to ensue. The violence of the remedy was warranted by the extreme wrong which gave rise to it. The judges usurped powers which the legislature did not intend them to possess,* and the government resisted them. The one party strained the law, to extend their own authority; the other resisted the process of the law, in order to protect the people from oppression. On both sides there was usurpation. The motives of the parties and the ends to which their acts were directed must be considered in order to determine between them. Usually when the

* This view is confirmed by the subsequent passing of an act (21 Geo. 3, cap. 70) declaring the governor-general and members of council exempt from the authority of the supreme court for their official acts, and also privileging persons acting under their orders. By the same act it was declared that no person, as a land-holder, farmer, or collector of land revenue for the government should become amenable to the court. The legislature also indemnified the government for their resistance.

judicial authority has been arrayed against the executive, the object of the former has been to protect established and recognized rights. Here it was to invade rights of older standing than the court by which they were assailed, to offer violence to feelings which had been the growth of ages, and to force upon a people unfitted to receive them, institutions never designed by the legislature to be thus widely extended. The sentiments of honest admiration with which the mind regards the judge who enforces the authority of the law against irresponsible power, is in this case transferred to those who threw themselves between the people of India and the encroachments of unauthorized law. In the performance of this duty, for a duty it was, Hastings cordially joined with that party in the council with which he was usually at enmity. His friend, Mr. Barwell, was far less decided in his conduct. The most devoted supporter of the policy of Hastings, he wished not to separate himself from the governor-general; the attached friend of Sir Elijah Impey, he recoiled from giving offence to the chief justice: vacillating, under the influence of these contending motives, from one side to the other, defending the legality of the acts of the supreme court, and at the same time perfectly convinced that their acts were destroying the sources of the revenue, Mr. Barwell seems to have been anxious in this dispute to stand well with all parties. Hastings did not thus temporize: he chose his part, and he acted vigorously upon the choice which he had made. But here approbation

CHAP. IX. must end? the means by which the dispute was terminated, though very characteristic of Hastings's policy, were very discreditable to all parties concerned in the accommodation.

The judges of the supreme court of Calcutta were intended by the legislature, like the judges of the courts at Westminster, to be independent of the existing government. The appointment bestowed by the governor-general on Sir Elijah Impey was remunerated by a large salary, and it was to be held during pleasure. That such an appointment on such terms should have been offered by Hastings to the chief justice of the supreme court—that, when offered, it should have been accepted, are facts so startling that it is difficult to determine which is the more extraordinary. The appointment was carried by the casting vote of the governor-general, and is attributable solely to his personal influence. Barwell had retired from council; Sir Eyre Coote, professing not to be master of the question, gave a guarded and hesitating assent to the proposal of Hastings. It was strenuously opposed by Francis and Wheler, who in their minutes adduced arguments against it which must have been triumphant had the question been decided by reason. Hastings had suggested doubts as to the legality of the authority exercised by the superiors of the dewanny courts, which he thought—for it then suited his purpose so to think—rested only on "doubtful construction" of the words of an act of parliament. To this it was very justly answered, that if the government had no legal power to nominate persons to

such duties, they ought not to attempt to exercise it at all; and that neither the act of conferring that power upon the chief justice of the supreme court, nor his acceptance of it, could make that legal which was before illegal. But Hastings did not rest his case upon this point: he did not scruple, after some little preparation, to put forward his real motives in recommending the appointment. "It will be the means," he said, "of lessening the distance between the board and the supreme court." "The contentions," he added, "in which we have been unfortunately engaged with the court, bore at one time so alarming a tendency, that I believe every member of the board foreboded the most dangerous consequences to the peace and resources of this government from them. They are at present composed; but we cannot be certain that the calm will last beyond the actual vacation, since the same grounds and materials of disunion subsist, and the revival of it at a time like this, added to our other troubles, might, if carried to extremities, prove fatal."* In other words, Hastings was anxious to put an end to the differences between the government and the supreme court; he thought the chief justice not incorruptible, and he was willing to pay his price. Such a "mode of procuring peace," in the language of one of Hastings's coadjutors,† was not "the most honourable or safe;" but it accorded with the tortuous policy which Hastings loved, and it was adopted.

* Minute of governor-general, 29th September, 1780.

† Mr. Wheler.

CHAP. IX.

To the reputation of the chief justice the appointment was more injurious than even to that of Hastings—it was deadly. Had Sir Elijah Impey died before accepting this fatal gift, he would by impartial observers have been regarded as a man of narrow mind, headstrong passions, and overbearing temper; but no imputation, based on sufficient evidence, would have shaded his judicial integrity. His own act effected that which all the ingenuity of his enemies would have failed to accomplish. He inscribed on his own brow the record of his disgrace in characters deep, broad, and indelible. The temptation was so undisguised in its approach, the scandal of accepting it was so glaring, that the slightest feeling of judicial decency would have repelled it with something approaching to scorn. What could his contemporaries, what could posterity think of a chief justice, found, in the words of a distinguished member of his own profession,* "one day summoning the governor-general and council before his tribunal for acts done as council, and the next accepting emoluments nearly equal to his original appointment, to be held during the pleasure of the same council."

Before the completion of the arrangement by which the chief justice was to be rendered supple and accommodating, the slumbering embers of discontent within the council had burst into renewed life; and so powerful was the reaction of hostility,

* Mr. Rous, standing counsel to the Company, for whose opinion a case was prepared.

after the temporary calm, that the pen became too feeble an instrument to express the feelings of the two chief combatants. Among the articles of agreement between Hastings and Francis was one, it was stated, securing to the former the management of the Mahratta war, the details of which will be related in a future chapter. According to Hastings's view, this article was violated, and he produced in evidence an alleged copy of the stipulation in the following words—"Mr. Francis will not oppose any measure which the governor-general will recommend for the prosecution of the war in which we are supposed to be engaged with the Mahrattas, or for the general support of the present political system of this government: neither will he himself either propose or vote with any other member who shall propose any measure that shall be contrary to the governor-general's opinion on these points." Francis denied that he ever was a party to such an engagement, and, referring to a conversation with Hastings, in which the governor-general produced a memorandum containing, as he believed, the article in question, Francis affirmed that he returned it with a declaration that he did not agree to it. Between the truth of these conflicting statements there are but slender materials for determining. The balance of probability, however, somewhat inclines in favour of the assertion of Hastings. He had given up to Francis many points on which his personal wishes would have led him to withstand a surrender; it is

CHAP. IX.

inconceivable that he should not have bargained for something in return. If every thing were to be conceded to Francis, and nothing to the governor-general, the latter might as well have risked the consequences of Mr. Barwell's possible retirement. He probably would not have retired, if his friend and leader had not believed himself secure of a satisfactory share of power.* Hastings, too, at the time when the arrangement was concluded, seems to have been convinced that the provision relating to the Mahratta war was part of it.† It has been suggested that both parties were guiltless: that Francis had declined to assent to the disputed article, but that Hastings had not understood him. This seems incredible. On a subject of so much interest to both, care would be taken that the main provisions of the compact were understood; and it is not easy to evade the conclusion that either Francis was guilty of a gross breach of faith, or Hastings of the assertion of a scandalous falsehood. The presumption, on the whole, lies against Francis, and his character will probably never be relieved from the imputation. But whoever was the guilty party, the dispute was near finding a tragical termination. A challenge given by Francis was accepted by the

* In a letter to Mr. Sulivan, dated the 4th March, 1780, Hastings says:—"Mr. Barwell, who was privy to the treaty in all the stages of it, has determined to return to England *in consequence, with my free consent, and release from any engagement on him from his connection with me* to remain in the service."—See Gleig's Memoirs of Hastings, vol. ii. page 254.

† See the letter above quoted in Gleig's Memoirs.

governor-general: the parties met, exchanged shots, and Francis was wounded. The previous language of the disputants was so violent, that such a result, however reprehensible, was far from unnatural. On the indecency of such a mode of determining disputes existing in a council entrusted with the care of vast and important interests, no remark can be necessary. A sense of duty, and even an enlightened self-respect, ought to have restrained the combatants from that wild abandonment to the influence of passion which led to such a result. A duel between the governor-general and one of his council, arising out of their official acts, ought to have been regarded as among things impossible. It would be scarcely more disgraceful that a chief justice and one of the judges of his court should so settle a disputed point of law.

Francis quitted India in December following, and Hastings was thus left to pursue his own views almost uncontrolled. A. D. 1780.

CHAPTER X.

CHAP. X.

On the western side of India were certain places which the East-India Company had long been desirous of possessing; these were the island of Salsette, the port of Bassein, Kenery, Hog Island, Elephanta, and Auranjee. They were occupied by the Mahrattas; and with the view principally to taking advantage of any opportunity that might occur of securing those places by negotiation, permission had been sought and obtained for the residence of an English agent at Poona. It was some time before any event favourable to the views of the English government occurred; but, at length, the success of the Company's arms against the Nabob of Broach seemed to afford an opening for attaining the desired object.

With the Nabob of Broach the government of Bombay had formerly concluded a treaty; but it being alleged that he had levied a higher rate of customs' duty on the goods of merchants under English protection than his engagements warranted, an expedition was fitted out against him, in conjunction with the Nabob of Surat, who claimed from the government of Broach a certain amount of tribute, a large portion of which was to be made over to the English, in

consideration of the expense which they incurred. But this step was undertaken under imperfect information; and on the expedition arriving before Broach, it being obvious that the attempt must fail, the Nabob was prevailed upon to save the honour of the British arms, by requesting that the troops might be withdrawn. Negotiation followed, and a new treaty was concluded. The expedition against Broach was strongly condemned by the Court of Directors, but this did not prevent the government of Bombay from dispatching another with the same object, their disobedience being defended by allegations of the continued deceitful and perfidious conduct of the Nabob. The second expedition was more successful than the first, the city of Broach being taken by storm; but the Court of Directors again expressed their disapprobation of the attack.

It was part of the plan of the Bombay government to offer Broach and a place called Fort Victoria to the Mahrattas, in exchange for those which it was desired to obtain from them. The British resident took pains to intimate that such an exchange might be effected; but the Mahratta government received the communication coldly, and without any movement towards accepting the offer.

At a later period circumstances seemed to favour the views of the English, and negotiations were entered into with a personage named Rugonath Row. He was the brother of a former peishwa, and the uncle of two succeeding ones, the latter of whom was assassinated. Rugonath Row enjoyed the reputation

CHAP. X.

of having contrived his nephew's death; a more indulgent opinion, supported by respectable authority,* regards him as intending only to seize the power of his relative, and acquits him of conspiring against his life. Rugonath Row, on the death of his nephew, succeeded to the office of peishwa, and to a multiplicity of foreign and domestic troubles. He was engaged in a war with Nizam Ali, which he contrived to bring to a conclusion, but without advantage to himself. He meditated an expedition into the Carnatic, which was to cripple at once the power of Hyder Ali, Mahomet Ali, and the English. But these great designs came to an abortive conclusion: Hyder Ali, taking advantage of the pecuniary distress of Rugonath Row, which was great, made peace with him on his own terms. Rugonath Row had proposed to himself to rescue from that wily adventurer certain districts which he had acquired from the Mahrattas. Hyder Ali induced him to surrender his claim to part of them, in consideration of the payment of a small sum of money and the promise of a larger. The intelligence of some events threatening the stability of his power compelled Rugonath Row to relinquish his further designs on the Carnatic; but he prevailed upon Hyder Ali to recognize his title as peishwa, and to engage to pay tribute to him.

The news which had arrested the progress of Rugonath Row was that of the alleged pregnancy of

* Captain Duff, author of the History of the Mahrattas.

Gunga Bye, the widow of the late peishwa. Rugonath Row thereupon commenced his march towards Poona and met with some success; but the want of funds prevented his pursuing it, and he suddenly turned his course to the northward. Shortly afterwards the widow of the late peishwa gave birth to a son, who at the age of forty days was formally invested with the office he was destined to bear.* The investiture took place in May, 1774. A. D. 1774.

Had Rugonath Row abandoned his usurped authority in deference to the rights of an infant, he would have departed widely from the principles which govern Mahratta policy, whether national or individual. He did not thus discredit the people to which he belonged, but, amidst many difficulties and much distress, continued to maintain his pretensions to the office of peishwa, and to seek allies to assist him in supporting them. Among others,

* It has been questioned whether this child was the son of the deceased peishwa; and suspicion has been cast upon his birth from the fact that in the fortress in which his mother resided a number of women in the same situation were assembled. This has been accounted for on different grounds. According to one report, it was intended, if the widow of the peishwa should give birth to a daughter, to substitute in place of the female the male child of one of the other women. Another report represents the assemblage of the women as having no other motive than the desire to provide a nurse for the expected peishwa. The best authorities appear to concur in recognizing the claim of the infant to be regarded as the son of the deceased peishwa. It is said that this fact was never disputed by Rugonath Row, and that the reports throwing doubt upon it may be traced entirely to the credulity and mistakes of the English authorities at Bombay.

CHAP. X.

he had recourse to the English, and the desire felt by the authorities at Bombay to obtain possession of Salsette and Bassein led them eagerly to encourage his overtures. They were rendered the more anxious by an apprehension that the Portuguese were about to forestal them in the possession of these much coveted places. The negotiations with Rugonath Row, however, proceeded unsatisfactorily. On the point which the government of Bombay regarded as most important he was obdurate: he peremptorily refused to give up Salsette and Bassein, and in despair of accomplishing their object by any other means, the English authorities had resolved to accept an offer made by the killadar in command of the garrison at Tannah, the principal fort on the island of Salsette, to put them in possession of the place for a sum of money. The bargain, however, was not carried into effect. By the time that the governor and council of Bombay had decided upon closing with the offer, the killadar alleged that it was no longer in his power to perform that which he had proposed, the Mahrattas, alarmed by the movements of the Portuguese, having reinforced the garrison. But the British authorities were not thus to be disappointed. Negotiation having failed, they had recourse to arms: Tannah was taken by storm, and the island of Salsette, together with that of Caranja, passed into the hands of the English. Immediately after the dispatch of the armament against Tannah a Portuguese fleet appeared off Bombay, and the commander delivered

in a protest against the conduct of the British authorities.*

Before the capture of the island was effected the new government of Bengal had entered upon its functions. By the act under which that government was constituted it was invested with a controlling power over the other presidencies. The government of Bombay were aware of the passing of the act, but were ignorant of the arrival of the new councillors, and their formal assumption of authority, until after the expedition against the islands had been dispatched. Its success was communicated without delay to the government of Fort William.

In the mean time negotiations with Rugonath Row were renewed, and, finally, a treaty was concluded, by which former treaties with the Mahratta state were ratified: both parties engaged to abstain from assisting the enemies of the other; the East-India Company agreed to aid Rugonath Row with a considerable force, and he in return agreed to surrender to them Bassein and certain other places. Rugonath Row was also to procure from the Guicowar a grant for the Company of the share of revenue collected by that prince in the town and pergunnah of Broach. He further stipulated to pay to the Company annually seventy-five thousand

* The governor and council of Bombay, in their report of the matter to the government of Fort William, call the document "a small protest." Whether the epithet is intended to apply to the material or the moral characteristics of the paper does not appear.

CHAP. X.

rupees from the revenues of Oklaseer, and a lac and a-half of rupees monthly for the military assistance which he was to receive, or a proportionate share for so much as might be furnished, as security for which payment he made temporary assignment of several districts. Six lacs of rupees were to be immediately deposited with an agent of the Company; but, as Rugonath Row had them not, and knew not where to obtain them, it was agreed that he should deposit jewels in their place. Rugonath Row was to defray all expenses that might be incurred in taking possession of any of the places ceded to the Company; he was not to make war in the Carnatic, and he was bound to assist the ships of the Company, or of persons under their protection, if wrecked, and to protect the cargoes.

This treaty was greatly disapproved at Bengal. The governor-general Hastings recorded a minute of considerable length, and certainly marked by great ability. He maintained that the treaty was unseasonable, because formed at a time when Rugonath Row appeared to have been abandoned by his former adherents; that it was impolitic, because the Company was subjected to the whole burden of the war, without a force at Bombay equal to the undertaking, without money or certain resources, and because it was undertaken without regard to the general interests of the other British settlements in India; that it was unjust, because the English had received no injury from any part of the Mahratta state which could authorize an interference with

their mutual dissensions, and were under no actual ties to Rugonath Row, but, on the contrary, were in positive negotiation with the very powers against which they had since declared war; and that it was unauthorized, because the law precluded the subordinate governments from commencing hostilities, declaring war, or negotiating any treaty of peace without the consent of the governor-general and council, except in cases of imminent necessity, where it would be dangerous to postpone the commencement of hostilities or the conclusion of treaties, and except when the subordinate government might have received special orders from the Company—which exceptions did not apply to the treaty concluded with Rugonath Row. On these grounds, the governor-general proposed to direct the government of Bombay to cancel the treaty, and withdraw the detachment sent in pursuance of it, unless some decisive advantage should have been gained over the enemy, or that the detachment should be in such a situation that it would be dangerous either to retreat or to pause, or that a negotiation should have been commenced between Rugonath Row and his opponents in consequence of the support afforded by the English. The council, seldom agreeing in any thing but in annoying each other, were unanimous in approving the first part of the proposed orders to Bombay: with regard to the exceptions by which the order was modified there was a difference of opinion. Barwell, as usual, supported the governor-general altogether—the three

CHAP. X.

remaining members of the council thought that the order for the withdrawal of the troops should be made subject to no exception but that of the impracticability of their retiring in safety, and thus the instruction to the government of Bombay was framed.

The government of Bengal resolved at the same time to open a negotiation with the authorities at Poona. The choice of the person who was to represent the British government at the capital of the peishwa gave rise, as usual, to a contest. Hastings proposed Colonel Dow; General Clavering recommended Colonel Upton; and the latter officer, being supported by the majority, was appointed.

The command of the British force destined to act in conjunction with Rugonath Row had been entrusted to Colonel Keating. It arrived at Cambay about
A. D. 1775. the middle of March, 1775, and in April effected a junction with all that remained of the army of Rugonath Row, that chieftain having been defeated some time before, and his forces dispersed. After some considerable delay, arising from various causes, the combined body moved in the direction of Poona. Nothing of importance occurred till the 18th May, when an action took place, which terminated in favour of the English, though they sustained dreadful loss. The British commander does not appear to have displayed any great military skill, and an alleged mistake of the word of command by a body of European grenadiers nearly led to the loss of the battle.

The government of Bombay were not in a condition to maintain the burden of the war without assistance from the other presidencies, and an application was made to Bengal for men and money. The governor-general was disposed to comply with the request, on the ground that the question then to be decided was not whether the government of Bombay had acted properly or not, but by what means were the Company's affairs to be extricated from the danger in which they were involved by a war precipitately undertaken. In the view of the governor-general, sound policy dictated the support of the government of Bombay. "If," said he, "the detachment now employed in the support of Ragoba (Rugonath Row) should be either defeated for want of succour, or recalled at such a crisis to Bombay, and Ragoba abandoned to ruin, I will venture to foretel that Colonel Upton's negotiations will be fruitless and attended with disgrace. On the other hand, I will, with equal confidence, risk my credit with the Company in foretelling that the issue of it will be successful and honourable, if we maintain our superiority at the time in which it shall take place, and shew a resolution to dictate, not to receive, terms of accommodation. For these reasons, I am of opinion that the effectual support of the presidency of Bombay in the war undertaken by them will prove the surest means of restoring the peace of India. We have those means in our power, and I therefore think it our duty to employ them."*

* Governor-general's minute, 7th September, 1775. Bengal Secret Consultations.

CHAP. X. It is unnecessary to say that the governor-general was supported by Barwell, and opposed by the other members of council. The latter party positively refused to send any men, but, as the pecuniary necessities of the Bombay government were urgent, they were willing to forward a small supply of money. Hastings was taunted with the alleged inconsistency of his present advice with the course which he had formerly recommended. He successfully shewed, however, that there was no inconsistency; that he had then proposed that the orders for dissolving the connection with Rugonath Row should not be carried into effect if any decisive advantage had been obtained over the enemy, and it was on the ground that such advantage had been obtained that he now advised the continuance of the British force in the field. He at the same time declared, and probably with truth, that in the course which he had formerly recommended, his own views had been modified, in the hope of meeting those of the other members of the council. Argument, however, is vain when passion rules, and the majority determined that no men should be sent to Bombay. About a month after this determination, Mr. Tayler, a member of the council of Bombay, arrived at Calcutta, specially to represent to the government of Bengal the necessity of giving to the Bombay government such support as would enable them to avert the consequences likely to arise from an abrupt termination of the engagement with Rugonath Row, but his representations were not

more successful than those of the governor-general. The majority in council were fixed in their determination to put an end to the war at once. General Clavering, indeed, had expressed an opinion that such a step was likely to assist the progress of the negotiation at Poona. "We have reason to hope," said he, "that the Mahrattas, seeing the justice and moderation of this government, and that our intentions are finally to put a stop to that spirit of conquest, encroachment, and injustice, which seems hitherto to have prevailed too much in India, will listen to the proposals that we have made to conclude a firm and lasting peace with them." *

The soundness of these views was soon brought to the test. Colonel Upton, having reached Poona with great difficulty, entered on the business of his mission, but found the ministers of the peishwa little disposed to cordiality. He was instructed to stipulate for the possession of Salsette and Bassein. The Mahratta authorities refused compliance. In accounting for this refusal Colonel Upton says, "I conceived it owing to their imagining that I must treat with them at any rate;" and it appears that they proposed questions to the British negotiator which it would have required great ingenuity to answer satisfactorily. They asked him why the government of Bengal made such profession of honour, and how it happened that, while they disapproved of the war commenced

* Minute of General Clavering, 7th September, 1775. Bengal Secret Consultations.

CHAP. X. by the Bombay government, they were so desirous of availing themselves of the advantages of it. After much discussion, Colonel Upton demanded of the ministers what was their final determination, and they answered that they knew of none but war. The government of Bengal now withdrew the restriction which they had imposed on the hostile operations of the government of Bombay; they addressed a letter to Rugonath Row, offering him the assistance of the British arms in all parts of India, to place him with full authority in the seat of the government at Poona; they resolved to write to Nizam Ali, Hyder Ali, Morari Row, the Rajah of Berar, Holkar, and Scindia, with a view of engaging their assistance for Rugonath Row, or at least of securing their neutrality; they directed the British resident at Oude to prevail on the Vizier to permit the removal of the Company's brigade to the frontier of Korah, next Calpee, with a view to promote the interest of Rugonath Row; they wrote to the government of Madras for reinforcements in aid of the same cause, and they requested the officer in command of the squadron on the coast of Malabar to give it all the support in his power. These measures were taken by the Bengal govern-

A. D. 1776. ment on the 7th March, under an impression that the negotiations at Poona were at an end. On the 1st April they received a letter from Colonel Upton, informing them that the differences with the peishwa's ministers had been arranged, and that a treaty was in progress. The treaty was concluded,

and, with some modifications, accepted by the government of Bengal. By this treaty Rugonath Row, on condition of disbanding his army, was to have an establishment at Kopergoam, on the banks of the Godavery. This he refused to accept, and hence arose new difficulties. The government of Bombay fiercely attacked the treaty, and maintained that Rugonath Row should have been allowed the option of residing in one of the Company's settlements; that the ministers at Poona would not have objected if their intentions were honest; that thus placed, Rugonath Row would have been a useful instrument for operating on the fears of the other party in the Mahratta state, and would have afforded the best security for the preservation of peace. Rugonath Row had expressed a determination to appeal to the Court of Directors, and, till the result should be known, to seek an asylum at Bombay. The government of that presidency were quite ready that he should find a home there, but that of Bengal interfered and forbade it. He finally retired with about two hundred adherents to Surat.

The treaty with the Mahrattas confirmed the Company in the possession of Salsette and the islands which they actually occupied. Bassein, not being in their possession, was excepted. It is a fact strikingly illustrative of the imperfect information possessed by the Bengal government when they undertook, through the agency of Colonel Upton, to negotiate a treaty with the Mahratta state, that they

CHAP. X.

actually believed that Bassein was in the possession of the English, and it was at Poona that Colonel Upton first learned that such was not the case. Another remarkable circumstance attending this series of transactions is, that immediately after the conclusion of the treaty with the ministers of the infant peishwa at Poona, orders were received from the Court of Directors approving of the treaty of Surat—the treaty concluded by the Bombay government with Rugonath Row—and desired that possession should be kept of all the places thereby ceded. These orders it was impossible to obey without renewing the war, for part of the cessions had been abandoned by the later treaty concluded by Colonel Upton.

The pause created by that treaty affords a convenient opportunity for briefly reviewing the conduct of all the parties in the transactions which have just been related. The capture of Salsette by the Bombay government was a somewhat questionable act. Its occupation was very convenient, and possession of it had long been desired by the East-India Company; but it is obvious that these circumstances give no claim to it which a strict moralist can approve. The Mahrattas, indeed, had no better right than that founded in force, and their tenure was not of sufficient duration to cover the defects of their original title.* The claim of the Portuguese cannot so readily be

* The island was taken by the Mahrattas from the Portuguese in 1750.

disposed of. It was alleged by the government of Bombay, that Salsette was included with Bombay in the marriage portion of the princess Catherine, wife of Charles the Second; but this, on the other hand, was strenuously denied; and it is to be feared that the English authorities, on this occasion, were very readily satisfied of the truth of that which they were anxious to believe. They seem to have been alike easily convinced that the alleged son of the deceased peishwa was spurious, and that, consequently, Rugonath Row was entitled to that place in the Mahratta state which he claimed. His situation disposed him to be more liberal than his opponents to the British government, and the members of that government were thereby quite satisfied of the legality of his title, and the nullity of that of the infant opposed to him. It was desirable that Rugonath Row should be the peishwa, and therefore his right must be recognized.* It would, notwithstanding, be difficult, even on the ground of worldly prudence, to justify their support of him. Destitute of means of carrying on war effectually, unless assisted from the other presidencies, they rushed into a contest, the object of which was to support a man, himself without resources, whose title to the office which he claimed was at best doubtful, and whose

* It is remarkable that this contest, as to the rightful succession to the chief seat of Mahratta power, related to an office which was in itself an usurpation of rights which belonged to another—a nominal sovereign, who was denied the exercise of any power but that of investing one who called himself his servant with the privilege of governing his master.

CHAP. X. popularity was about equal to his right. They further acted in disobedience to the law, which required them, in all matters of peace and war, to act under the authority of the governor-general and council of Bengal. When the capture of Salsette took place, the government of Bombay was not aware that the controlling government had entered upon its functions; but they were informed of this before the conclusion of the treaty with Rugonath Row, and as there was no pretence of urgency to justify their acting without the authority of the government of Bengal, it is clear that they were not legally justified in so acting. The latter government, however, seemed resolved that rashness and imprudence should not be monopolized at Bombay. They determined to vindicate their own dignity, whatever might be the cost to the country whose honour and interests were in their keeping. Great Britain might suffer in character as well as in power, but the governor and council of Bombay must be humbled, and the majesty of their superiors made visible to all India—and without regard to any consideration but that of the safety of the troops employed in assisting Rugonath Row, they ordered their immediate retreat. Conduct more petty in its character, but at the same time more calculated to be widely mischievous in its consequences, it is not easy to conceive. It is to the honour of Hastings that he was not a party to it. He would have reproved the forwardness of the Bombay government, but, though as tenacious as most men of his own dignity,

he was not prepared to assert it by breaking down the fabric which it was his duty to uphold. Condemning the imprudence with which the connection with Rugonath Row had been formed, he was unwilling to commit the greater imprudence of risking the honour of the British name and the security of British power in India for its dissolution. His counsel was wise and moderate—regretting the existing state of affairs, his advice was to make the best of it; but it was cast away upon men who, in administering the affairs of a mighty state, committed themselves without reserve to the guidance of headstrong passion. Their subsequent conduct was scarcely less injudicious than that which reversed peremptorily, and without regard to circumstances, the course which had been taken at Bombay. The government of Bengal, at least the ruling party in council, determined themselves to undertake the conduct of a new negotiation with the Mahrattas. The policy of this step may be estimated from the fact, that neither the envoy nor those who sent him knew who was in possession of Bassein, one of the most important objects of negotiation. A mission thus blindly undertaken was not likely to command much respect; and Colonel Upton appears, for a time at least, to have been the sport of those with whom he was sent to negotiate. Irritated by the ill success of their attempts to conciliate the authorities at Poona, the government of Bengal suddenly determined to espouse the cause of

CHAP. X.

Rugonath Row. They informed him of their newly-born friendship, and summoned all India to the battle on his behalf, when their plans were once more discomposed by intelligence that the negotiations at Poona had taken a new turn, and that the draft of a treaty had been agreed upon. The cause of Rugonath Row was then dismissed with as much levity as it had been taken up, and the man whom the government of Bengal were about to place upon a throne, was deemed unworthy of a shelter, except within the meshes of his enemies. One claimant of the chief power in the Mahratta government was thus alienated—from the guardians of the other all that was gained was a hollow and unsatisfactory accommodation, which no one could expect to endure. Such was the statesmanship which then swayed the destinies of British India; such were the results of the nomination of its rulers by parliament.

The terms of the treaty concluded by Colonel Upton were so vague, that, after they were nominally fixed, the labour of adjusting them remained to be performed. Even after Colonel Upton's retirement from Poona the work was continued by Mr. Mostyn, who was appointed resident there, an office which he held before the breach caused by the alliance with Rugonath Row. The resident too found other occupation in the intrigues of a Frenchman, bearing the authority of his own government to negotiate with the Mahrattas. This person, who bore the appellation of the Chevalier

St. Lubin, was not unknown in India. He had obtained the confidence of the government of Madras, and had been a main cause of producing the disasters which had attended their war with Hyder Ali. He subsequently introduced himself to the ministry of France, ever jealous of the extended empire of the English, and ever ready to annoy them in their distant possessions. To them the chevalier boasted of his influence with the most distinguished potentates of India, of the services which he had rendered Hyder Ali, and of his intimacy with the Mahratta rajah. The gross ignorance which at that time prevailed in Europe on all matters relating to India led to his being believed and employed. His intrigues excited the alarm of the Bombay government, and that of Bengal was apprized of their feelings. The governor-general immediately proposed that a large military force should be assembled at Calpee, to march to Bombay or to such other place as subsequent events or the will of the government of that presidency might determine. The proposal was the subject of long and vehement debate, and had it been made somewhat earlier it would have been defeated. But General Monson and General Clavering were dead: Hastings's influence predominated in the council, and the proposal was carried. The force, consisting of six battalions of infantry, a company of artillery, and a corps of cavalry, was placed under the command of Colonel Leslie.

The councils of Poona were distracted by com-

CHAP. X.

plicated intrigues. The ministers there had separated into parties, one of which espoused the cause of Rugonath Row. With them the government of Bombay was well disposed to co-operate, and their views were in accordance with those of the Court of Directors, who had expressed dissatisfaction with the treaty concluded by Colonel Upton, and intimated that if a fitting opportunity should arise for its abandonment it ought to be embraced. Some articles of the treaty were unfulfilled, and the answer given to a demand, whether the ruling party intended to fulfil its provisions, was regarded as evasive. A new agreement was thereupon formed with Rugonath Row, differing in one important point from the former. Rugonath Row was to be regent only; all the acts of government were to be performed in the name of the infant peishwa; and its entire powers surrendered to him on the expiration of his minority.* The government of Bengal had authorized that of Bombay to take such a course if the terms of the treaty with the ministers at Poona were not complied with.

The detachment from Bengal was a long time on its march, and unfortunately the government of Bombay were too eager for the commencement of active operations to wait its arrival. They prepared and put in motion an expedition under Colonel Egerton, who is stated to have been an inefficient

* A variety of intrigues and changes at Poona preceded this arrangement, but the detail, while it would occupy much space, would be totally uninteresting to the generality of readers.

officer,* and whose powers were controlled by a committee of field deputies.† The force placed under this anomalous control was about four thousand strong. It advanced slowly, was subjected to great annoyances from the enemy, and in a few days was deprived of Lieutenant-Colonel Kay and Captain Stewart, two of its best officers.‡ Sickness soon compelled Colonel Egerton to relinquish the command, a circumstance in which the army probably suffered no loss. He was succeeded by Lieutenant-Colonel Cockburn; but that officer's talents for command were not subjected to long trial. Rugonath Row, to stimulate the activity of his European allies, had suggested to them that no power of consequence would declare for him till some advantage had been obtained. The communication had the opposite effect to that which he had intended; the committee became despondent, and they took the extraordinary resolution of simultaneously opening negotiations with the authorities

* Captain Duff, author of the History of the Mahrattas, gives this opinion. Colonel Egerton's cotemporaries seem also to have held it.

† In the same manner as the operations of the Madras army during part of the contest with Hyder Ali.

‡ Of the latter officer Captain Duff says, "It is a remarkable fact that his name is to this day familiar in the Mahratta country by the appellation of *Stewart Phakavy*, which expresses something more than the gallant Stewart, a circumstance that marks the strong impression made by his conduct; and what soldier, wherever he may fall, could desire a nobler epitaph than that such a tradition should be preserved by his enemies?"—History of the Mahrattas, vol. ii. page 367.

CHAP. X. of Poona, and commencing a retreat towards their own territory. It was suggested that it would be well to wait the result of the negotiation before retreating, but in vain. Rugonath Row joined his voice to those who invoked the committee to pause before deciding on a step which was certain ruin, but his efforts were as fruitless as those of others.

A. D. 1779. The night of the 11th January, 1779, constitutes a dark epoch in the history of British India. On that night the British detachment, which had not long before moved in the proud hope of shortly giving a ruler to the Mahratta state, turned its back in flight upon the men whose power it had so recently defied: the heavy guns were thrown into a tank, the stores burnt, and, without an effort to achieve the object for which the army had advanced, without an act that could in the slightest degree soften the disgrace which involved this ill-fated expedition, the British force commenced its retrograde march. It was fondly believed that this movement was secret, but those who thought this knew little of the enemy with whom they had to contend. Three hours after the commencement of the march the advanced guard was fired upon by horsemen, and the fugitives then became aware that they were not unobserved. They were soon afterwards attacked in the rear, and by break of day were completely surrounded. Throughout that day and the following the English army were sorely pressed, and the fearful effects of ill success in an Indian army began to be manifested

in numerous desertions. On the 13th further retreat was deemed impracticable, and it was determined to trust solely to the effect of negotiation. The Poona ministers demanded the surrender of Rugonath Row, and his panic-struck allies would have complied had they possessed the power. Rugonath Row had, however, taken care of his own safety, and this additional disgrace was spared them. As the case was, there was quite enough of shame. A convention was concluded, by which the peaceable return of the British army was secured by the Mahrattas, the English, in return, agreeing that Salsette and all the recent acquisitions from the Mahratta states should be restored, and that the Bengal detachment should be ordered back to Calcutta. By a separate agreement with Scindia, whose influence was considerable, the fort and government of Broach were to be delivered up to that chief, and two English gentlemen were to be left as hostages for the performance of the engagement.*

* This document is so extraordinary a composition, and so degrading to the British character, that the full measure of the humiliation incurred by the representatives of the government of Bombay will not be understood without reference to the translation, as published by the Committee of Secrecy of the House of Commons, Sixth Report, 1782, Appendix 130:—"That after falling out with the circar of Mhaderow Narrain Pundit Prundfar, we [the English] with an army came upon the ghaut and remained at Tullagaum, on which you [the Mahrattas] ordered a fighting, and we both parties did fight, in which we [the English] were defeated, returned back and encamped at Woorgoon with Dada Sahib [Rugonath Row]. We [the English] could hardly reach Bombay with our army and stores; considering which, we sent Messrs. Farmer and Holmes to you, desiring you [Scindia] would come between us and get the circar's and our treaty settled

CHAP. X. This arrangement cost forty-one thousand rupees, distributed in presents. Thus disgracefully terminated the hostile purposes of the Bombay government with regard to the Mahrattas. Morbidly anxious for war with that people, they had commenced hostile operations imprudently, conducted them without skill, and abandoned them without honour. "Success," says Captain Duff, "that grand apology for statesmen's blunders, had not attended the

as before, and conduct us and the army to Bombay. On which you did suspend the war; you came between us and got the circar's and the English treaty settled, and you proposed to conduct us and the army to Bombay without molestation from anybody; you made our escape entirely: all which we took into our consideration, and are very glad. You are a powerful officer and well-wisher to this government, which has induced us to keep a friendship with you; this came into your mind, and we were satisfied that you made us free from the circar's and everybody's molestation, and got the treaty settled, as before, without any defeat from the circar; therefore we thought we should serve you, and for which reason have, of your own free will and accord, agreed, under the King's and Company's seal, to deliver up to you the fort of Broach with its government, in the same manner the Mogul did hold it, which fort is now in our possession, and which we have given you. We further agree that we will, on our arrival at Bombay, obtain the governor's dustuck, under the King's seal, to the Killadar of Broach, and deliver the fort and its country, in the manner the Mogul did hold it, up to you. Under oath, no dispute shall arise in this. This we promise solemnly, and we have left Mr. Farmer and Mr. Charles Stuart with you as hostages for the performance of this agreement. We will let no dispute arise. This we agree to in writing." Such was the document which Englishmen were found not ashamed to subscribe. The translation is evidently made by one little skilled in English, but it is sufficiently clear to mark the degradation of those who signed it.

schemes which they had been labouring to be permitted to attempt. From the time the supreme council exercised their fresh authority by a precipitate interference, the majority of the members of the Bombay government endeavoured, by argument and artifice, to bring about their own designs; and instead of taking an enlarged and dignified view of the national interests and government in India, which would have been an honour to themselves and a reproach to their opponents, they lost the commanding ground on which they stood by following a course which brought about its own undoing." "Their contracted policy," says the same author, "was directed merely to carry their point in favour of Ragoba,* and to aggrandize their own presidency. In sending off the expedition, it would seem as if they had been actuated by the puerile desire of shewing the Bengal government what Bombay could do without their assistance." "In short," he adds, "the Bombay government neglected opportunity, they overlooked changes of circumstance, they desperately sent a handful of men against the strength of the Mahratta empire, and committed the conduct of an enterprise, practicable only by celerity, address, and resolution, to men unfit for such a charge."†

The slow progress of Colonel Leslie with the Bengal detachment had been owing partly to unfavourable weather, but principally to his engaging in

* Rugonath Row.

† History of the Mahrattas, vol. ii. pages 379, 380.

CHAP. X. negotiations and disputes with the chiefs of the country through which he had to pass. In five months he advanced only a hundred and twenty miles; and his progress was so unsatisfactory as to lead Hastings, whose confidence he had previously possessed, to acquiesce in his recal. Colonel Goddard was appointed to succeed to the command; but before the order for effecting this change was passed, death had removed Colonel Leslie from the possibility of being affected by it.

The character of Colonel Goddard's movements was widely different from that which had marked those of his predecessor, and he displayed extraordinary tact and judgment under very embarrassing circumstances. He had been exempted by the government of Bengal from the necessity of yielding obedience to that of Bombay; still an acquaintance with the views and wishes of the latter government might often be very desirable. In taking the field in favour of Rugonath Row, the Bombay government had written to Colonel Goddard, urging him to advance. On concluding the memorable convention with the Mahratta state, the field deputies again wrote, advising him that "the face of things was so materially altered, as to occasion their marching back to Bombay," and directing that he should in like manner march back with his army to Bengal. Three days afterwards they again wrote, intimating that, upon recollection, they did not think themselves authorized to give the orders which they had sent for his return, and desiring

him to pay no attention to them. He did pay no attention to them; his march was pursued with extraordinary celerity. He thus avoided twenty thousand horse which had been sent from Poona to intercept him, and arrived with his army in safety at Surat. His reception by the government of Bombay was honourable to all parties. He was requested to join in the deliberations of the council, and recommended for the appointment of commander-in-chief.

Mr. Hornby, the governor of Bombay, was resolved not to recognize the convention concluded by the field committee with the Mahrattas, nor to make the stipulated cessions of territory; and as the Poona authorities had been distinctly informed that the committee had not power to conclude any definitive treaty, there was scarcely even the appearance of injustice in this determination. The government of Bengal, on becoming apprized of the transaction, took the same view of the subject as did Mr. Hornby. That gentleman was of opinion, moreover, that the agreement with Scindia should be ratified, and in this view also the government of Bengal coincided. The conduct of Hastings—for to him the chief merit is to be attributed—in relation to the gross errors committed by the government of Bombay, was singularly moderate, dignified, and judicious. It was most fortunate that at the time he possessed the power, which he had sometimes wanted, of carrying his own views into effect. His language in reference to the course which, under the circumstances,

CHAP. X.

it behoved the government of Bengal to pursue, deserves to be quoted—it deserves to be remembered upon all similar occasions, if similar occasions should ever occur. "Whatever our resolutions," said the governor-general, "I hope the board will see with me the propriety of conveying them in such a form and temper as may give encouragement and confidence to the presidency of Bombay, instead of adding to their depression. They are the immediate guardians of the Company's property on that side of India; and it is by their agency that we must defend and support the general rights of the Company and the honour of the British nation, unhappily involved, as they appear to be, in the consequences of their past miscarriages. In an emergency so critical and important, we have, as I conceive, but this alternative—either to transfer the power (if we can do it) into fitter hands, or to render it as complete and efficacious as it can be made in theirs. To mark our want of confidence in them by any public act would weaken theirs in us; to load them with harsh and unoperating reproaches would indispose them to our authority, at the same time that it would absolve them from its effect; and to bind their deliberations by absolute and unconditional orders might eventually disable them from availing themselves of any fortuitous advantages which the confusion of the Mahratta government is more likely to offer them than any plan which we could prescribe to them, or which they could form on the letter of our instructions. In a word, such a con-

duct, by inflaming the passions of men whom we are not to regard as exempt from the common infirmities of humanity, would prove the surest means of converting the powers which were still left in their hands into the instruments of opposition, and even of the defeat of the very measures which require their agency, and cannot be accomplished without it; let us rather excite them to exert themselves for the retrieval of their past misfortunes, and arm them with means adequate to that end—restricting their powers when the object is determinate, and permitting a more liberal extension of them in cases which are too variable and uncertain for positive injunctions. Their admission of Colonel Goddard to a deliberative seat at their board, and the request which they have made to us to allow of his being appointed to the chief command, if it should be vacant, of their military establishment, which would give him an effective voice in the select committee, present to us an occasion of their adopting the principle which I have recommended, with the most ample caution for the safe application of it."* These remarks reflect honour on Hastings's judgment, and being made while under the influence of the bitter disappointment created by the defeat of objects for which he was more than usually anxious, and with which his reputation was deeply involved, they exhibit a degree of good feeling of which he did not always afford an example; they

* Minute of Governor-general, Bengal Secret Consultations, 24th May, 1779.

CHAP. X.

possess one of the most striking marks of practical wisdom; called forth by a particular occasion they are capable of general application wherever circumstances exist, even remotely resembling those under which they were delivered.

The confidence expressed by the governor-general in the government of Bombay, and the forbearance which he had extended to their errors, were not without effect in producing correspondent feelings on their part. There were several points connected with the mission of Colonel Goddard which were offensive to them; but though they remonstrated against them, their feelings on these subjects neither diminished their respect for the distinguished commander of the Bengal detachment, nor deprived him of their cordial co-operation.

Colonel Goddard was entrusted by the government of Bengal, in addition to his military powers, with authority to negotiate a treaty with the Mahratta state on the basis of the treaty of Poorunder, the name by which the treaty concluded by Colonel Upton was distinguished. He entered on his task, and several months were consumed in negotiations ending in nothing. Rugonath Row, in the mean time, had escaped from Scindia, with whom he had taken refuge, and was received, though with little cordiality, by the English commander.

A. D. 1780.

In the beginning of the year 1780, General Goddard* put his army in motion. After some minor

* He had been raised to the rank of brigadier-general by the Bengal government. The government of Bombay, while admit-

successes Ahmedabad was taken by assault. This was followed by intelligence that Scindia and Holkar were approaching with a large and hostile force. General Goddard advanced to give them battle, but their retirement defeated his intention. Scindia, it appeared, professed friendly views towards the English, and in proof of his sincerity, he set at liberty the two gentlemen who had been left as hostages for the performance of the agreement with him. This act of generosity was succeeded by the dispatch of a vakeel from Scindia with assurances of friendship. General Goddard professed the like feelings on the part of the English, and some attempts to negotiate ensued; the object of Scindia at that time being to secure to himself the chief power in the Mahratta state. General Goddard thought these overtures evasive, and he treated them accordingly. The negotiation, which it was the wish of Scindia to protract, was, by the decision of General Goddard, soon brought to an end, and it was followed by an attack upon Scindia's camp. The attack was successful, and the enemy retired, but immediately returned and took up the same position as before.

In another quarter the arms of the British government were directed against the Mahrattas with signal success. An alliance had been formed with the Rana of Gohud, a district in the province of Agra. The Rana, being attacked by the Mahrattas, de-

ting the merits of General Goddard, objected to the rank being bestowed on him except through them.

CHAP. X.

manded aid from his British ally, and a body of troops, under Captain Popham, which had been intended to reinforce the army of General Goddard, was assigned for the required service. The labours of the troops placed at the disposal of the Rana were not confined to the defence of that prince's territory. Captain Popham entered some of the Mahrattas districts, and ventured upon undertakings which the commander-in-chief, Sir Eyre Coote, regarded as altogether disproportioned to the strength of his force. The first of these was an attack upon Lahar, a fortified place, about fifty miles west of Calpee. The place was stronger than had been anticipated, but Captain Popham, having summoned it to surrender, would not withdraw without an effort to gain possession of it, although he was unprovided with the requisite means of conducting a siege. The guns were too light to have much effect; but a very imperfect breach having been made, it was resolved to storm. Both the leading officers, Lieutenant Logan and Cornet Gardener, fell before they arrived at the top of the breach; but their place was worthily supplied by Mr. Odell, a volunteer, who mounted the walls, followed most gallantly by the rest of the party. They were exposed to a murderous fire; but, notwithstanding, succeeded in driving the enemy before them. Dreadful slaughter ensued on both sides. The enemy defended themselves with desperation; and it was not until the garrison, which had consisted of five hundred men, was reduced to their killadar and a mere handful of

his dependents, that quarter was demanded. The triumph of the English was brilliant; but it was purchased with the loss of a hundred and twenty-five of the brave men to whose gallantry it was attributable. CHAP. X.

A still more splendid prize was soon to reward the enterprising spirit of Captain Popham. Gwalior had been regarded by the native military authorities as impregnable. Such a belief has existed with regard to so many places which have afterwards yielded to European skill, that little regard is due to Indian opinions of impregnability. Gwalior, notwithstanding, was a place of considerable strength, and it was so situated as to render it both difficult and dangerous to make the observations necessary previously to undertaking an attack. Captain Popham did not proceed hastily or rashly. He devoted considerable time to the purpose of ascertaining the weak points of the fortress. It was built upon an exceeding high rock—was scarped nearly round, and was garrisoned by a thousand men. The part selected for attack was sufficiently formidable. The scarp was about sixteen feet high; from thence to the wall was a steep ascent of about forty yards, and the wall which was to be escaladed was about thirty feet high. Having made choice of his point, Captain Popham determined upon an attempt which to himself appeared not unlikely to end in defeat; but "the object," said he, "was glorious," and he took all the precautions in his power to frustrate the disastrous consequences of a repulse, should such be the fate

CHAP. X. A. D. 1780.

that awaited him. At midnight, on the 3rd of August, ladders and all other auxiliaries for scaling being prepared, the party for the attack was formed. Two companies of grenadiers and light infantry led the van; Captain Popham followed with twenty Europeans and two battalions of sepoys. A battalion, two guns, and the cavalry were ordered to march at two o'clock to cover the retreat of the English party, in case of premature discovery, or, in the event of success, to prevent the garrison from escaping. At break of day the van arrived at the foot of the scarped rock. The spies ascended by wooden ladders, and, having made fast ladders of ropes, the troops followed. Some resistance was offered, but the garrison were intimidated by the unexpected attack, and the assailants, with little trouble and small loss, were soon masters of the boasted stronghold of Gwalior. The arrangements made for intercepting the garrison, in case of their attempting flight, were less successful than those which had led to the capture of the fortress, for the greater part of them succeeded in effecting their escape. Captain Popham was rewarded for his gallant services, by being promoted to the rank of Major.

Before the fall of Gwalior, Hyder Ali had invaded the Carnatic with a force one hundred thousand strong. This incapacitated the government of Bengal from rendering any assistance to that of Bombay. The latter had, consequently, to depend on its own efforts, and with very limited

means the war with the Mahrattas in that quarter continued to be carried on with considerable vigour. General Goddard marched in October to attack Bassein, and arrived before it by the middle of November. Finding the place very strong, and defended by a numerous garrison, he determined to carry on his operations with regularity and precaution. On the morning of the 28th of November, he had completed a battery of six guns and six mortars within nine hundred yards of the place, and, under cover of their fire, carried on his approaches to a spot where he erected a grand battery of nine 24-pounders, which was opened on the 9th of December within five hundred yards of the wall. Besides these, he had a battery of twenty mortars of various sizes, which opened upon one of the flanks of the parapet. These preparations were formidable, and they were used with such effect, that on the day after the opening of the grand battery an offer of surrender was made. Some difficulty in the arrangements occurred, and the firing recommenced; but, on the 11th, the place surrendered at discretion.

The operations of the besiegers were covered by a force under the command of Colonel Hartley. The Mahrattas had hoped to be able to throw succours into Bassein, but finding their attempts abortive, they sought vengeance in the destruction of Colonel Hartley's army. They attacked him with a force of about twenty thousand horse and foot, but were unable to gain any advantage over him. This

CHAP. X. army had been engaged for nearly six weeks in almost daily skirmishes. It had suffered severely from sickness as well as from other causes, and if military renown could be apportioned precisely to merit, the army under Colonel Hartley would enjoy a very large share. In reference to this subject Captain Duff makes the following remark: "The fact is, that military service in India seems always to have been commended rather in proportion to the result, than to the duty performed; and this trying and well-fought campaign is scarcely known even to the gallant army by whom it was maintained."* Captain Duff's remark ought to have had a much wider operation. The assertion that military labours are appreciated according to their brilliancy or apparent effect, rather than with regard to their real importance, is true, not merely of the service in India—it is applicable to all military service wherever performed. Men are naturally struck with that which is distinguished either by splendour in achievement or by obvious importance in its results. The soldier who perishes of disease in a trench may deserve admiration not less than he who falls in the breach; but the prominence which circumstance gives to one is withheld from the other. As far as popular opinion is concerned the evil is irremediable; but those who have the responsibility of distributing the rewards of military merit, whether those rewards be honorary or pecuniary, should not suffer their judgment to be so far influenced by

* History of the Mahrattas, vol. ii. page 429.

the magic brightness of one description of military service, as to render them insensible to the claims of another equally well entitled to praise and reward. Though the soldier may have been necessarily denied the opportunity of winning the admiration of the crowd, he should always find in his superiors the judgment to discern his merits, and the justice to reward them.

The operations of the British arms on the western side of India had for some time been eminently successful; but the governor-general was nevertheless most anxious for peace. This feeling was not unreasonable. In the Carnatic the war had been unskilfully conducted; great disasters had been sustained, and the utmost despondency prevailed at Madras. The government of Bengal, too, naturally contemplated with alarm the extent of the confederacy with which they had to contend. Hyder Ali, Nizam Ali, and nearly all the Mahratta powers, were either openly or secretly engaged against them. Hastings had expected to secure the Rajah of Berar as an ally; but the rajah's friendship cooled in proportion as the success of the English declined, and it became obvious that he could not be depended upon even for neutrality. Amidst all these difficulties, Hastings had to contend with that which had so often pressed heavily on his predecessors—the want of funds. He was at this time, too, more than usually annoyed and thwarted in council by violent—and probably with regard to one, at least, of his colleagues, there would be no breach of cha-

CHAP. X. rity in adding — dishonest opposition. Sir Eyre Coote was absent from Calcutta—when present, indeed, his temper does not appear to have been always such as was calculated to smooth the troubled waters upon which he was cast; but his absence left Hastings without a supporter against the combined attacks of Francis and Wheler. The governor-general had taken upon himself the responsibility of conducting the Mahratta war to a successful issue, but those who should have aided were anxious only to embarrass him. The conduct of his colleagues, the circumstances by which he was surrounded, all conspired to make him desirous of peace; and the wish of the Bengal government being communicated to Bombay, the government of that presidency were instructed to discontinue hostilities, on being duly apprized that they were suspended on the part of the Peishwa, but in the mean time to prosecute the war with vigour. The latter part of these orders was scarcely fulfilled. General Goddard marched to threaten Poona. The Bhore Ghaut was gallantly attacked and easily carried by Colonel Parker, at the head of an advanced party. The main body followed, and the head-quarters of General Goddard were established at the foot of the Ghauts. But this demonstration failed in producing the effect anticipated, and no attempt was made to push on to Poona. The minister of the Peishwa amused General Goddard for a time with pretended negotiations, and these being broken off, the general, whose army had been greatly harassed, prepared for re-

treat. This was effected with considerable difficulty, and with great loss of men, stores, and equipments. In the conflicts which took place the British troops lost nothing of honour, but the spirits of the Mahrattas were greatly elevated by the success which they had gained.

While these events were in progress, the British government had been endeavouring to strike an important blow at the power of Scindia, who had the reputation of being the chief fomenter of the war. A detachment under Colonel Camac had been dispatched, with the primary object of reinforcing General Goddard; but its march was subsequently countermanded, and the force under Major Popham being incorporated with it, the whole was placed under the command of Colonel Camac. The instructions to that officer empowered him, if he thought it practicable and expedient, to carry the war into the territories of Scindia and Holkar. To this, Francis and Wheler objected. The governor-general alleged that he could perceive no objection to the proposal, except on the ground of expense, and to obviate this, he offered to furnish the requisite amount from his own resources. His opponents, however, still resisted, and it was this subject of dispute which gave rise to the duel between the governor-general and Francis. The proposed instructions to Colonel Camac were variously modified, in the course of the discussions which took place; but finally, Hastings, by the accidental, or professedly accidental, absence of

CHAP. X. Francis, was enabled to carry his point.* His views were afterwards confirmed by the judgment of the commander-in-chief. But the expedition was soon involved in great difficulties. Colonel Camac had penetrated into Malwa, in expectation of assistance from some neighbouring rajahs, of which he was disappointed. While encamped at Seronge, Scindia's army approached with a large train of artillery. The English army at this time began to be in want of provisions, and the country being laid waste by the enemy, there was no prospect of procuring a supply. In this situation the English camp was cannonaded during some days, when Colonel Camac determined to retreat. He effected his purpose in

* The advocate-general, Sir John Day, who appears on several occasions to have laboured strenuously to maintain peace between Hastings and Francis, exercised his good offices on this. Hastings, in a letter to Mr. Sulivan, after giving an account of the interposition of Sir John Day, declares that the latter was the bearer of a message from him to Francis, insisting on the expedition to which Francis objected, and reproaching him with an alleged breach of the agreement between them. "Mr. Francis," says Hastings, "defended himself for a little while, but at last said, that he should be obliged to absent himself for some time for the recovery of his health (being at that time seized with an epidemic fever), but that I might avail myself of the interval to propose and carry what resolutions I pleased by my casting vote: all that he wanted was not to be concerned in acts to which he could not consistently assent."—Gleig's Memoirs of Hastings, vol. ii. p. 305. In a subsequent part of this letter, Hastings expresses a suspicion that Francis's absence was not caused so much by want of health as by a wish for an interview with Sir Eyre Coote at some distance from Calcutta, which however, it appears, did not take place. If the statements in this letter be not a tissue of gross falsehoods, the conduct of Francis was such, that to characterize it as dishonourable would be to use an indulgent form of expression.

a soldier-like manner; but having been for several days harassed by the desultory annoyances of the enemy, he resolved to become the assailant, and attacking Scindia's camp, he gained a complete victory, carrying off several pieces of cannon, with the greater part of the enemy's stores, ammunition, and baggage. This defeat greatly abated the martial propensities of Scindia, and he made overtures of peace. After some months, a separate treaty was concluded with him, and he at the same time undertook to interpose his influence to promote an amicable settlement of the differences between the English and the other belligerent power. Indeed, the English at this time evinced rather too great an anxiety for peace. All the presidencies were at once pressing it; and General Goddard, who had been entrusted with powers to negotiate, was pursuing the same course. A treaty was ultimately concluded by Mr. David Anderson, agent of the governor-general. As may be supposed, it was little favourable to the English. All the conquests made since the treaty of Poorunder were renounced, and all the blood and treasure expended in making them consequently thrown away. But if the Mahrattas were indisposed to acquiesce in the conquests made by their enemies, they at the same time evinced a laudable impartiality by consenting to stipulate for surrendering those made by an ally. All the conquests made by Hyder Ali from the Nabob of Arcot, as well as from the English,* were to be restored. Both parties to the

* These conquests will be detailed in a subsequent chapter.

CHAP. X.

treaty stipulated that the allies of each should maintain peace with the other; and the English were solaced for the loss of their conquests by the exclusion of all European traders, except themselves and the Portuguese, from forming establishments within the Mahratta dominions. Scindia, who was surety for the due performance of the treaty on both sides, as well as one of the Peishwa's negotiators, was rewarded for his mediation and his guarantee by the confirmation of the cession of Broach to him. Some delay took place at Poona, but the treaty was finally ratified there as well as at Calcutta.

CHAPTER XI.

BEFORE passing to the events which more immediately connect the Madras presidency with the transactions related in the last chapter, it will be necessary to revert to some which occurred in the period that intervened between the subjugation of Tanjore and the irruption of Hyder Ali into the Carnatic. The conquest of Tanjore* and the deposition of the rajah had been condemned by the Court of Directors, and their displeasure was manifested by the removal of Mr. Wynch, the governor under whom these acts had taken place. His successor was Lord Pigot, who had formerly held the office, and had therein acquired considerable reputation; more especially by his conduct when Madras was besieged by the French under Lally.† His instructions were to restore the rajah of Tanjore, under certain conditions; an act extremely distasteful to Mahomet Ali, and which he opposed with all the argumentative power and rhetorical artifice which he could summon to his aid. He resolutely asserted his own right to continue in possession, vilified the character of the rajah, pathetically ap-

* See page 30.

† After his return he had been created an Irish peer.

CHAP. XI.

pealed to the services which he had rendered to the Company and to his own declining years, and urged the assurances of the King of Great Britain, conveyed to him by Sir John Lindsay. As a last resort, he implored delay, till he could bring his case once more before the Company in England, but in vain. The governor, resolved to carry out his instructions, proceeded to Tanjore, and issued a proclamation announcing the restoration of the rajah.

At this time, a man memorable, or rather notorious, in the history of the British connection with the Nabob of Arcot, first became conspicuous. The Nabob had hinted that if he were dispossessed of Tanjore, his ability to discharge the debts owing by him to British subjects would be seriously affected. Immediately after the proclamation of the rajah, a civil servant of the Company, named Paul Benfield, intimated that he held assignments on the revenues of Tanjore for sums of vast amount, lent by him to the Nabob of Arcot, and other assignments on the growing crops for large sums lent to individuals. These allegations were more than suspicious. It was not to be supposed that Benfield brought with him to India any wealth, and he had there enjoyed no opportunity of honestly amassing any. The scantiness of his means had not been assisted by parsimony, for the habits of Benfield were expensive and ostentatious, beyond those of most men at the presidency. The governor properly demanded some evidence that the claims were just, but none was offered that could satisfy any one

who was not previously prepared to be satisfied. A majority of the members of the government determined against the claims, on the ground that those against individuals were not sufficiently made out, and that the claim against the Nabob could not be entertained. The means by which Mr. Benfield succeeded in shaking the opinion of some of the persons constituting the majority cannot be told; but to whatever cause it may be attributed, a change took place—the subject was reconsidered, and the board, which had just resolved against the claims, reversed their own decision, by determining that the crop sown during the Nabob's possession was his property—a proposition not deficient in plausibility, more especially as the government of Madras had recognized his right by assisting him to take possession of Tanjore; but it was followed by another, more startling and much more to Mr. Benfield's purpose, namely, that the alleged assignments of the Nabob to that person gave to his demands the character of public claims. The governor had strenuously opposed these conclusions, but his opinion was disregarded, and even his customary and recognized claim to precedence in the conduct of the public business denied and invaded.

This struggle was succeeded by another. A British resident was to be appointed for Tanjore. Lord Pigot proposed Mr. Russel, a civil servant; the majority of the board supported Colonel Stuart, who held the second military command at Madras, and who was destined by the same party for the appointment of commandant at Tanjore. The ques-

CHAP. XI. tion was violently debated at several meetings, the governor refused the formality of his signature to the papers necessary to carry into effect the will of his opponents, and at length the latter determined to act without it. The governor was equally bent upon maintaining his own rights, and upon two members of the board affixing their signatures to a paper to which his had been refused, he charged them with acting in a manner subversive of the authority of the government. This charge was formally made, and as it was irregular for members of the government, against whom a charge was pending, to deliberate or vote on questions arising out of such charge, the governor was able, by his casting vote, to pass a resolution, suspending the accused parties, Messrs. Brooke and Stratton. This gave rise to proceedings not dissimilar to those which shortly afterwards took place in Bengal. The persons constituting the former majority seceded, and having forwarded a protest against the conduct of Lord Pigot, assumed to themselves the rights of the government, and claimed the obedience due to a lawful authority. This was followed by the governor and his friends declaring all the refractory members of the board suspended, and ordering Sir Robert Fletcher, the commander-in-chief,* into arrest, for the purpose of being brought to trial by a court-martial.

The adverse party followed the example of their

* This most fortunate of officers had again attained the chief command, notwithstanding his scandalous conduct in Bengal, and his insubordination at Madras.

chief with no slow nor indecisive steps. They determined to arrest his person, and on the 24th of August, 1776, the governor of Madras became the prisoner of certain members of his own council. He appealed to Sir Edward Hughes, the admiral commanding the squadron in the Roads, for protection, and the admiral demanded that safe conduct to the ships should be given him. The ruling body inquired whether Sir Edward Hughes would be responsible for Lord Pigot if the request were complied with. The admiral answered that he tendered the requisition in the King's name, and would make no terms. The acting council replied that they had no proof that the Crown empowered its officers to require the removal of any servant of the Company, in such a situation as that of Lord Pigot, from under the authority of the Company's government; and the admiral rejoined that the case was unexampled, that he had done his duty in making the requisition, and must leave those who had resisted it to meet the consequences. One of these consequences was lamentable; the constitution of Lord Pigot, impaired by age and an Indian climate, sunk under the irritation to which he had been exposed and the restraint to which he was subjected, and he died, the prisoner of those over whom he had been appointed to preside.

In the proceedings which led to this melancholy result, it is impossible not to see that there was great cause for blame on both sides. The majority of the board having the right of determining all

CHAP. XI.

questions coming before them, and the governor having then no legal power to act without his council, Lord Pigot's refusal to attach his signature to acts lawfully done cannot be justified. In a case of great and imminent danger, state necessity might have been successfully pleaded to excuse the irregularity; but here there was no ground for such a plea. Corruption might, indeed, have been let loose upon Tanjore; but the evil, though great, would not have been past remedy. The subsequent suspension of some members of council was an extraordinary act of power, for which no sufficient excuse can be alleged, and Lord Pigot appears to have forgotten that the irregularities of his opponents had been provoked and countenanced by his own. The design of bringing the commander-in-chief to a court-martial is inexplicable; for, however offensive his conduct might have been to the governor, it does not seem that he had committed any military offence. Thus far Lord Pigot must be admitted to have acted with imprudence; but his errors almost disappear before the outrageous excesses of his enemies: if he could not reasonably believe that any overwhelming necessity called for violent measures, still less could they. It follows, therefore, that in resisting, arresting, and imprisoning one who derived his authority to preside over their deliberations from the same power which had given them the right to take part in them, they causelessly violated a plain principle of duty, and risked the peace and security of an important settlement for the sake of gratifying their

own passions. If the belief that such acts may lawfully be perpetrated were to be general, no government could subsist. The governor of Madras had not placed his refractory colleagues in any circumstances of suffering or of danger; he had not sentenced them to death, imprisoned their persons, or confiscated their property: he had suspended the exercise of their functions as members of the government; and though this was not a light penalty, it was one which, if their conduct would bear examination, they might hope to be relieved from on appeal.

The question, whether one person or another should be resident at Tanjore, appears a point of difference so utterly disproportioned to the consequences that flowed from the discussion, that curiosity is stimulated to inquire whether there were not some unavowed motives which lent importance to a dispute of a very ordinary character. It has been seen that there were certain demands upon the Nabob of Arcot connected with his possession of Tanjore. How many persons were interested directly or indirectly in the success of these demands, it is not easy to determine; but many besides Mr. Paul Benfield hoped to profit by the recognition of the right of the Nabob to the growing crop. Lord Pigot was opposed to the claim, and the candidate whom he supported could not be expected to promote the interests of the Nabob's alleged creditors so zealously as the nominee of the rival party in council. That party had lent itself to the maintenance of a

CHAP. XI. demand, improbable in itself and unsupported by proof. They wished, therefore, that the enforcement of that demand should take place under eyes not disposed to scrutinize. There is little reason to doubt that the claim was based in fraud, and most fitly was it sustained by acts of illegal violence.

It has been stated that Lord Pigot was offered an enormous bribe to defer, for a short time, the restoration of the Rajah of Tanjore, which he refused. On the other hand, his prompt and zealous fulfilment of his instructions has been attributed to the influence of expectations from the rajah, similar in character to those which some of the opposite party cherished with reference to the Nabob of Arcot. This, however, has only been asserted, not proved, and the conduct of Lord Pigot does not require the assumption of discreditable motives to explain it. There is nothing so remarkable in a public officer doing that which he is charged to do as to make it a matter of surprise. Lord Pigot came to India with orders to restore the rajah; he was himself the author of the arrangement with that prince which had been set aside by the countenance offered to the designs of Mahomet Ali, and his feelings were consequently on the side of his duty. It is possible, too, that he might actually feel indignation at the conduct of the real or pretended creditors of the Nabob, and be desirous, on public grounds, of effectually frustrating their designs. The charge against him originated with his enemies, who were

themselves labouring under accusations equally heavy and far better sustained.

It being recollected that the government of Bengal now possessed a controlling authority over the other presidencies, an authority which it was not indisposed to exert, it will naturally be asked how, in the case of the revolutionary proceedings at Madras—for such they were—that power was exercised? The answer must be, that it was not exercised at all; the Supreme Government remained inactive, while one of those subordinate to it was falling into anarchy. If ever there was a time when the superintending authority of Bengal should have been called into action, it was this. General Clavering and his party might be disposed, it may be thought, to sympathize with the malcontents at Madras, whose conduct bore so strong a resemblance to their own; but Hastings could have no such feeling, and where, it must be asked, was his wonted energy, at a time when it was so much required? Did he propose interposition, and was he foiled by the perverseness of his colleagues? Not so—he and they were unanimous in declining to interfere, and his friends claim for him the credit or the shame of having given the tone which, on this occasion, prevailed in the council of Bengal.* Hastings had

* "Mr. Hastings accordingly acquiesced himself, and *persuaded his colleagues to acquiesce in the new arrangements.*"—Gleig's Memoirs of Hastings, vol. ii. page 106. The new arrangements spoken of are those at Madras, consequent on the violence offered to Lord Pigot. In a letter to his friend Graham about this time, Hastings says, "On the affairs of Madras we are all of one

CHAP. XI.

always maintained his own rights as governor-general with unyielding pertinacity; why was he so blind or so cold to the rights of the governor of Madras? Though with more of moderation than some of his colleagues, he had been quite ready to interfere to restrain the lawful government of Bombay; how came the unlawful government of Madras to find such favour in his eyes? If his previous conduct convicts him of inconsistency, his subsequent acts abundantly support and justify the judgment. He endeavoured to expel from the council of Bengal certain members, on the ground of their having usurped powers which did not belong to them, and Lord Pigot did no more; indeed, he did not attempt so much, for he only suspended his disobedient councillors, while Hastings declared that his opponents had absolutely forfeited their right to sit in council. It has been seen that Hastings had not hesitated to join in controlling the government of Bombay; it will hereafter appear that he suspended the governor of that very presidency, Madras, with which he now declined to interfere, though rebellion held sway over it. Into the motives of this

mind—thank God."—See Gleig's Memoirs, vol. ii. page 113. Hastings thanked God that no attempt would be made to relieve the governor of Madras from imprisonment, or to restore him to his rights—that the usurpers of the powers of the government would continue to exercise their illegal authority undisturbed, and that the dishonest creditors of Mahomet Ali would, for a time at least, rest in peace. Such is the meaning of the pious ejaculation uttered by the governor-general, without doubt in all the sincerity of true devotion.

tenderness it were vain to inquire. It would be difficult to assign one that could confer honour on Hastings, and his forbearance but furnishes an additional proof that he was without any fixed or determinate principles of action—that he had no rule but expediency—and that even his expediency was not of that enlarged and lofty character which regards indirect and remote consequences as well as immediate convenience—that it was of that kind which looks not beyond the moment, and defies the scruples of a far-seeing prudence not less than the rules of abstract right. CHAP. XI.

At home the proceedings at Madras excited a strong sensation, and gave rise to much discussion. The Court of Directors appear to have been greatly divided. On the 26th of March, 1777, the subject was brought forward in a general court, when it was moved, "that it be recommended to the Court of Directors to take such measures as shall appear to them most effectual for restoring Lord Pigot to the full exercise of the powers vested in him by the commission from the Company, as governor and president of the settlement of Madras, and for inquiring into the conduct of the principal actors in imprisoning his lordship, and dispossessing him of the exercise of the legal powers wherewith he was invested." A ballot was demanded, which took place on the 31st, when the motion was carried by 382 votes against 140. In the Court of Directors, the feeling in favour of the deposed governor was much less strong. It was proposed to send out to A. D. 1777.

CHAP. XI. Madras a commission of inquiry and supervision; but a motion to that effect, made on the 9th of

A. D. 1777. April, was lost. On the 11th, it was moved to restore Lord Pigot and the members of council who had adhered to him—to pass a censure on the members who had assumed, without authority, the entire powers of the government, and to suspend them the Company's service: but with the view of conciliating the opposite party, it was proposed to qualify these acts by placing the restored members of council at the subordinate settlements, and by declaring that the governor's proceedings appeared to have been, in several instances, reprehensible. A series of resolutions, embodying these points, was put to the vote, and the numbers on each side were equal. In conformity with the rule which then prevailed, the question was referred to the decision of the lot, and by that process was carried in the affirmative.* Still the question was not set at rest. The annual change in the Court of Directors took place, and at the first court after that event, the chairman, Mr. Wombwell, intimated his intention of submitting a series of resolutions on the recent events at Madras. At a subsequent court he moved, and the court resolved, that the powers claimed for and assumed by Lord Pigot were

* The charter of William the Third prescribed this mode of deciding questions in case of equality of numbers. By 53 Geo. 3, chapter 155, its use was restricted to cases of election to office or place where there should be more than one candidate: in all other cases, an equality of votes was to be equivalent to a rejection of the motion or proposition on which the question was put.

"neither known in the constitution of the Company, nor authorized by charter, nor warranted by any orders or instructions of the Court of Directors."* The chairman followed up this blow by another. He moved, "that the proposition to send Mr. Russel to Tanjore as resident was not warranted by the orders of the Company, nor necessary for the carrying them into execution;" but here success deserted him: the motion was lost. The consideration of the other propositions of the chairman was then postponed; and at a court held on the following day, both parties enjoyed some degree of triumph. The friends of Lord Pigot successfully resisted the passing of a resolution, declaring the exclusion of Messrs. Stratton and Brooke from council arbitrary and unconstitutional; and they carried two other resolutions, condemnatory of the violence offered to his lordship, and of the suspension of those members of council who supported him. On the other hand, the enemies of the unfortunate governor proposed and carried a resolution condemning the conduct of Lord Pigot in receiving certain presents from the Nabob of Arcot. This act of the governor was clearly contrary to law, and is incapable of defence. The presents were, indeed, of very trifling value—not exceeding a few hundred pounds—their receipt was openly avowed in a letter to the Court of Directors—they were bestowed by the Nabob of Arcot, and towards whom Lord Pigot certainly manifested no undue partiality; but these circumstances cannot

* Minutes of Court, 21st April, 1777.

CHAP. XI. remove the illegality of accepting them, and it is to be lamented that Lord Pigot should have given his enemies an opportunity of reproaching him on this
A. D. 1777. ground. On the 23rd of April the subject again occupied the attention of a general court, when it was resolved to adjourn for a fortnight. On the 7th of May the court again met, and, after much debate, it was resolved to refer to the decision of a ballot a series of resolutions of an extraordinary character. They censured the invasion of his lordship's rights as governor, and acquiesced in his restoration; but recommended that such restoration should be immediately followed by his recal, in order that his conduct might be more effectually inquired into: for the same reason they recommended the recal of the councillors who had supported Lord Pigot, and also of those who had opposed him. These resolutions were carried, on the ballot, by 414 against 317. On the 21st of May, the case of Lord Pigot was brought before the House of Commons, and a series of resolutions favourable to him proposed. They were opposed by the ministry, and lost.* The Court of Directors, on the 30th of July, passed resolutions designed to give effect to the recommendation of the general court; but before the question was decided, the party principally interested was beyond the reach of either additional injury or tardy redress. Two years afterwards the House of Commons addressed

* Lord North did not fail to make use of the argument which Lord Pigot had been so unwise as to furnish against himself, by the receipt of presents.

his Majesty, praying that the attorney-general might be ordered to prosecute Mr. Stratton (then a member of the House), and three other members of the council of Madras, who had concurred in the arrest of Lord Pigot. A prosecution was accordingly instituted, and the parties were convicted. With reference to the enormity of the offence, the judgment of the court was singularly lenient; the defendants, all of them men of great wealth, were sentenced to pay a fine of one thousand pounds each.

When the Court of Directors determined to recal Lord Pigot and his council, provision was made for the appointment of what was called a temporary government, to act pending the proposed inquiry. It consisted of six members, and Mr. Thomas Rumbold, a director, was to be president and governor. The English had for some time been engaged in hostilities with their colonies in America. The French monarch made common cause with the revolted colonists, and war between England and France ensued. Its operations were extended to India with extraordinary promptitude and vigour; and most of the minor French settlements having been previously secured, General Munro, early in August, 1778, advanced with a considerable force against Pondicherry. The attack was to be aided by a small fleet under Sir Edward Vernon, consisting of one ship of sixty guns, one of twenty-eight, one of twenty, a sloop, and a Company's ship. He was opposed by a French squadron under Monsieur Tronjolly, whom he brought to

A. D. 1778.

CHAP. XI. A. D. 1778.

action on the 10th of August, and, after a conflict of some duration, put to flight. It was expected by the English that the fight would be renewed on the following day, but the French commander, who had taken refuge in Pondicherry, entertained no such intention; and after eluding for several days the attempts of Sir Edward Vernon to bring him again to action, he followed the example of some of his predecessors under similar circumstances, by escaping from the coast with his ships, and abandoning Pondicherry to its fate. In the meantime General Munro had taken possession of the bound hedge, and cut off all communications with the surrounding country. On the 6th of September he broke ground, and on the 18th opened a vigorous fire from twenty-eight pieces of heavy artillery and twenty-seven mortars. The garrison, under M. Bellecombe, made a gallant defence, and their efforts, aided by the state of the weather, considerably retarded the progress of the assailants; but point after point was lost, and the English commander, having surmounted many of the difficulties with which he had to contend, determined on a general assault. This was prevented by a proposal to capitulate on terms made on the day preceding that destined for the attack. The proposal was accepted, and Pondicherry thus passed once more into the possession of the English. The terms granted were extremely favourable to the besieged. The European part of the garrison was to be sent to France, and the sepoys to be disbanded. The whole were permitted to march out

with the honours of war, and the regiment of Pondicherry was allowed to retain its colours.

An expedition dispatched under Colonel Braithwaite against Mahé, on the coast of Malabar, was not less successful than that against Pondicherry, and the conquest was far more easily attained. Mahé surrendered before a gun was fired against it. But Colonel Braithwaite, being ordered to join General Goddard, the place was, after a few months' possession, abandoned; the guns were shipped off to Bombay, and the fort blown up.

Hyder Ali had formally protested against any attack upon Mahé, and its capture was consequently very offensive to him. This was not the only cause of dissatisfaction afforded by the English. The attempt of a British force to pass through part of his territories tended to increase his displeasure. The circumstances which led to this attempt require to be briefly narrated.

In the arrangement made with Nizam Ali for the transfer to the English of the Northern Circars,* it was provided that one of them, named Guntoor, should remain in possession of the Nizam's brother, Basalat Jung, during his life. Basalat Jung subsequently gave uneasiness to the Madras government by receiving a body of French troops, and a reference was made to Bengal for instructions on the subject. The answer authorized the Madras government to demand the dismission of the French troops, and to prepare to support the demand by the

* See Vol. i. page 544.

CHAP. XI. presence of an armed force on the frontier of Basalat Jung's territory. If compliance with the demand were refused, that prince was to be informed that possession would forthwith be taken of Guntoor, and a negotiation opened with the Nizam for its immediate cession to the Company upon such terms as might be agreed upon. The government of Madras hesitated, and, after some consideration, determined, instead of applying to Basalat Jung, to address the Nizam, calling upon him to compel his brother either to dismiss the French from his service, and trust for the protection of his country to the English, to whom the reversion belonged, or to allow them to occupy the circar at an annual rent. The determination to negotiate with the Nizam appears to have been taken on the ground that Basalat Jung was no party to the treaty; but before carrying it into effect, it was thought proper to communicate the intention of government to the Nabob of Arcot. Mahomet Ali strongly objected to negotiating with the Nizam, and proposed to send a vakeel from himself to manage the business with Basalat Jung. The government of Madras, however, persevered in applying to the Nizam, and his answer was most courteous. He alleged that the force entertained by his brother was not exclusively French, though a Frenchman might have the command, but contained Germans, Dutch, English, and Portuguese, who had deserted from various places. He assigned as reasons for employing them, that the dependents of Basalat Jung were disobedient and

powerful, and that his country was bordered by the territories of Hyder Ali Khan; but he added, that as the retention of these foreigners in the district of Guntoor seemed to give uneasiness to his British ally, he had sent a person of distinction to get them removed, and to stop the revenue appropriated to their support. "Every article and condition of the treaty between us," said the gracious prince, "shall remain fixed and unaltered, even in a hair's breadth." This letter was received soon after Lord Pigot's second assumption of the government. CHAP. XI.

The diplomacy of the "person of distinction," if such person were sent by the Nizam to his brother, produced no satisfactory results; for nearly three years after the period of the Nizam's communication, Mr. Rumbold, who then held the office of governor, complained that French troops were still entertained in Guntoor, and that they were recruited under the protection of the governor of Pondicherry.* The commencement of the war between England and France naturally quickened the observation of the Madras government, which, till a very short time before, had been so distracted by disunion as to leave its members no time to spare from the care of their personal interests for those of the public. About this time, too, Basalat Jung felt, or affected, some alarm at the strength of the French party.† A. D. 1778.

* Governor's Minute, Fort St. George Military Consultations, 10th July, 1778.

† "Basalat Jung has expressed himself uneasy at the consequence it [the French party] has assumed, which is even become

CHAP. XI. Both parties were thus prepared to negotiate, and a treaty was concluded, by which the Company were to rent Guntoor of Basalat Jung during his life, for the sum which he had previously realized from it, to be ascertained from his accounts. He on his part was to dismiss his French troops, and the Company were to assist him with such a force as might be necessary for the purposes of defence, revenue, or dignity, the charges to be defrayed by Basalat Jung. Soon after the conclusion of this treaty, fears were entertained that Hyder Ali, who had made some conquests in the vicinity, was about to add to them the territories of Basalat Jung, and the English government, in consequence, resolved to send three battalions of sepoys, a company of artillery, and some field-pieces, for their protection. This force was placed under the command of Lieutenant-Colonel Harpur, and was to proceed from Guntoor to Adoni, the capital of Basalat Jung's other dominions in the Deccan. Basalat Jung expressed great joy at its approach, and took the pains of pointing out a particular route as the most eligible. This route Colonel Harpur subsequently discovered led him several days' march through the territories of Hyder Ali, and the servants of that potentate forbade his advance. One of them, in answer to an application from the English commander, wrote—

dangerous to himself. We hope and expect, from his assurance, that he will unite with us as far as he can in subduing it."—Letter from Government of Fort St. George to Court of Directors, 17th October, 1778.

"I have received your letter, in which you acquaint me, that as a sincere friendship exists between the Nabob Hyder Ali Khan and the Company, you propose marching the troops under your command to Adoni through Durnall and Atcour, which I understand. It is as manifest as the sun, that a sincere friendship exists between his Excellency and the Company, and that they have no separate interests; it is, therefore, my duty to pay a regard to the friendship they have for him: yet you will march your troops by another road, that this friendship may be preserved; for there are sepoys stationed in that country, and some disputes and quarrels may take place between your men and these sepoys, who are of a very quarrelsome disposition. I have so much regard for our friendship, that I would not wish this to happen."* Another of Hyder Ali's officers informed Colonel Harpur that their master had given express orders that the English force was not to march through his dominions. Notwithstanding these intimations, Colonel Harpur was instructed by his government to advance, and he continued to do so till his detachment was in danger of being surrounded, when he retired within the circar of Guntoor.

While these affairs were in progress, the government of Madras had been maintaining a mission at the court of the Nizam, under the management of

* Letter from Meer Reza Ali Khan Bahardur to Colonel Harpur, in Appendix No. 88 to Second Report of Committee of Secrecy, 1781.

CHAP. XI. Mr. Hollond, a civil servant of that presidency. One of the objects of this mission was to ascertain the precise views of the Nizam with regard to the distracted politics of India; another, to endeavour to remove unfavourable impressions as to the conduct of the British government in supporting Rugonath Row, to whom the Nizam was violently opposed. In subordination to these primary purposes, he was to give such explanations as might be necessary in relation to the negotiation with Basalat Jung, and the occupation, by the English, of Guntoor. He was also to explain the cause of an act which had taken place of a nature likely to be very offensive to the Nizam—the withholding of the peishcush, or tribute, due from the Company to the Nizam on account of the northern circars. This was to be ascribed to the encouragement given by Basalat Jung to the French, and the Nizam was to be assured of punctual payment for the future. Such were the instructions issued to
A.D. 1779. the English agent on the 22nd of February, 1779.* On the 5th of June following, the governor of Madras recorded a minute, in which he declared that he "had always considered the peishcush paid by the Company to the Nizam as disgraceful to them, and an acknowledgment which" that prince "had no right to demand. The grant from the Mogul," continued the governor, "was free and unconditional for the five circars, and the receiving them afterwards as a grant from the soubahdar Nizam Ali Khan, on paying him an annual peishcush, was a sacrifice of the

* See Second Report, ut supra.

Company's rights."* The governor's view of the subject was supported by reason, but his practical application of it can only be characterized as dishonest and disgraceful. "The time," said he, "seems favourable to throw off so heavy a burden," and accordingly he proposed that it should be thrown off, altogether, if possible; but if this could not be effected, a strenuous effort was to be made to reduce the amount. The governor's colleagues entirely approved of the recommendation of their chief, and Mr. Hollond was instructed accordingly. The governor had observed that the opening of the business to the Nizam would require much management on the part of Mr. Hollond, "who must," said he, "by turns soothe and work upon his apprehensions as occasion may require."† The agent did as he was required; but Nizam Ali was neither to be soothed nor alarmed into the surrender of his peishcush. He declared that, if denied, he should forthwith prepare for war; and, in desiring that Mr. Hollond would immediately report at Madras the result of the application, he observed that, if there were any delay in forwarding an answer from the English government, he might possibly advance upon Colonel Harpur.‡ The Nizam had previously expressed great dissatisfaction with the negotiations entered into between the British government and

* See Second Report, ut supra. † Ibid.

‡ Letter from Mr. Hollond to Governor and Select Committee of Fort St. George, 26th June, 1779. Appendix No. 119 to Second Report.

CHAP. XI.

Basalat Jung, and however soothing the mode of advance, the demand for the surrender of the peishcush was not calculated to restore the prince's equanimity, or to dispose him to regard the other acts of the English government with favour. That such a course should have been taken at a time when the Company's affairs in India were surrounded by difficulties—that it should have been adopted for the avowed purpose of escaping some of those difficulties, for this was the pretence of the governor of Madras, are facts scarcely credible. The folly of such policy is not less apparent than its dishonesty. It threw among the raging elements of discord a new one, more active than the rest. The northern circars, indeed, seem to have been rocks on which the common sense of the statesmen of Madras was destined to be wrecked. One set of rulers, with an enemy at their feet, had voluntarily and without necessity agreed to render him tribute for these districts; their successors, as shamelessly as imprudently, proposed to annul the contract, and thus gave offence to a powerful prince at a time when, through the wide expanse of India, the British government was almost without a friend.

On these proceedings of the Madras government becoming known at Calcutta, the government of Bengal deemed it necessary to exercise their controlling authority. A letter was addressed by the latter government to the Nizam, lamenting that "the negotiation had been imperceptibly carried beyond the limits originally pre-

scribed to it," and that some propositions had been made to his "highness which he had received as demands, and misconstrued them into an intention to depart from the treaty subsisting between" him "and the Company."* These suspicions it was sought to remove by an assurance that the government of Madras had never entertained such an intention; and that, as a proof of the friendly feelings of the supreme government, Mr. Hollond had been directed to suspend the business of his commission till he should receive from that government further instructions. These acts of the government of Bengal were communicated to that of Madras, where they excited the strongest feelings of indignation. They determined to recal Mr. Hollond from the court of the Nizam. This was proposed by Sir Thomas Rumbold.† That governor soon after-

* See Appendix No. 124 to the Second Report, ut supra.

† The governor had now become a baronet. As no more convenient opportunity may occur of noticing the facts, it may be as well here to state that Sir Thomas Rumbold returned to England with an immense fortune and a tainted character. His subsequent history forms no part of that of India, but it was too remarkable to be altogether passed over. It was asserted, and generally believed, that a portion at least of his vast wealth had been accumulated by corruption. Little interest would now be felt in an investigation of the evidence, and little satisfaction could be attained. It may be sufficient to observe that several of the acts of Sir Thomas Rumbold were severely condemned by the Court of Directors, and in so serious a light were the offences regarded, that he, together with his successor, Mr. John Whitehill, and Mr. Peter Perring, member of council, were dismissed the service. At the same time two other civil servants were incapacitated from sitting in council, without express orders, and the conduct of General Munro on certain points was declared

CHAP. XI. wards quitted India, leaving behind him a minute, recommending that the recal of Mr. Hollond should be followed up by his suspension from the service. The recommendation was adopted by the new president, Mr. Whitehill, and carried into effect. Mr. Hollond, however, did not quit the court of the Nizam, being retained there by the government of Bengal as their representative.

In the meantime Basalat Jung, intimidated by

to deserve the strongest marks of the court's displeasure. The language of the despatch in which these resolutions are conveyed is remarkable. After censuring General Munro, the court continues: "But as those subjects were foreign to the general's military profession, *as we cannot suppose he was influenced by corrupt motives*, and as the military conduct of General Munro has been highly meritorious, we shall not, on the present occasion, proceed further than to express our disapprobation of his conduct on the occasions before mentioned."—Letter to Government of Fort St. George, 10th January, 1781. The special exemption of General Munro from the suspicion of corrupt motives appears to imply that those less leniently visited were not, in the judgment of the court, free from corruption. With regard to Sir Thomas Rumbold, some very strange facts connected with an agent of the governor's, named Redhead, were elicited by the inquiries of the secret committee of the House of Commons, and recorded in their Second and Third Reports, 1781. The celebrated Henry Dundas, afterwards Viscount Melville, took the lead in these inquiries, and Sir Thomas Rumbold, together with Mr. Whitehill and Mr. Perring, were threatened with penal proceedings. The matter was, however, suddenly and unaccountably dropped, and the ex-governor of Madras, branded by the heaviest punishment which his employers could inflict, scathed by the withering exposures of a parliamentary committee, and surrounded by the expressions of public indignation, was permitted to enjoy his wealth, whether well or ill acquired, in peace. A minute examination of the conflict of party and personal interests at the time might throw much light on these proceedings, but this is not the place for such examination.

Hyder Ali and the Nizam, had stopped the march of Colonel Harpur, for whose advance he had previously been so anxious, and demanded the restoration of Guntoor. The government of Madras refused to comply with the demand; but on this subject, as well as on that of the peishcush, the government of Bengal took a different view, directing that the treaty with Basalat Jung should be annulled and Guntoor restored.

These orders found the government of Madras surrounded by difficulty and dismay. Sir Thomas Rumbold had quitted India, assuring the Court of Directors "that every thing was quiet in the Carnatic;"* "that he was inclined to think they should remain in peace;"† and that "he could speak with confidence, that there was no likelihood, at that time, of any troubles on that side of India."‡ Long before the date of these soothing assurances, both the language and the acts of Hyder Ali had manifested his hostile intentions towards the English. The governor himself had felt anxiety; he had dispatched a special messenger§ to ascertain the feelings of Hyder Ali, and the result had not left them doubtful. Another mission followed, and this was treated with contempt and contumely. Yet Sir Thomas Rumbold, in the last minute which he ever recorded, congratulated himself that all was tranquil, and that no disturbance of the calm was to be

* Letter, 21st January, 1780. † Ibid.

‡ Letter, 7th February, 1780.

§ The distinguished missionary, Swartz.

CHAP. XI. apprehended. Thus, by his last act of authority, giving countenance to a delusion which he could not believe, the governor divested himself of the cares and responsibilities of rule, and bent his course homeward in search of ease and enjoyment. His successor Mr. Whitehill slumbered on, luxuriating in those dreams of peace and safety which the retired governor had shadowed forth. They were sometimes invaded by reports of the gathering of Hyder Ali's force, and of their approach to ravage and destroy; but the governor still slept. The Nabob of Arcot had intelligence of what was approaching, and communicated it to the British government, but without effect. Time flowed on, and the sources of alarm multiplied. From every quarter, reports of threatened invasion and complaints of inefficient means of defence rushed in; but no measures of precaution were taken. Some of the colleagues of the governor would occasionally suggest the necessity for a more active course; but the torpor of their chief
A.D. 1780. was not to be overcome. At last, in the middle of June, some symptoms of reviving sensation, feeble as they were tardy, began to appear, and the governor coolly informed the select committee, that, as there were various reports concerning Hyder Ali's movements and intentions, he thought it a proper measure, in case of any disputes in the Carnatic, that the detachment sent with a view to the protection of Basalat Jung, formerly commanded by Colonel Harpur, then by Colonel Baillie, should recross the Kistna.

More than a month passed, and Lord Macleod, who commanded a king's regiment, deemed it his duty to represent to the governor that the report of Hyder Ali's invasion might be true, and that, at all events, some measures ought to be taken to oppose him. Mr. Whitehill, with philosophic calmness, replied, "What can we do? we have no money;" but, to console the impatient soldier, he added, "we mean, however, to assemble an army, and you are to command it." The design of assembling an army without money seems on a level, in point of rationality, with the postponement of such a measure till the enemy was almost at the gates of the British presidency. On the evening on which this conversation was held, intelligence arrived which deprived the governor of the power of speaking hypothetically of the existence of "despoilers" in the Carnatic. It was ascertained that Porto Novo, on the coast, and Conjeveram, not fifty miles from Madras, had been plundered by the enemy. Hyder Ali commenced his irruption with all those circumstances of horror with which his appearance as an enemy was invariably attended. Around every place which he destined to fall before him he drew a circle, within which all was consigned to desolation. The towns and villages were soon wrapt in flames, and the inhabitants peremptorily required to depart with their flocks and herds. If by the influence of local attachments, so powerful in the breast of the natives of India, any houseless wanderer presumed to linger near the spot where recently he had a home, and

CHAP. XI. where his fathers had resided from a period anterior to all record, his disobedience was punished by the mutilation of his person.

By the government of Madras some feeble efforts were made to procure money, to secure the possession of important forts, and to combine an army too much scattered to act effectually. But weakness, or something worse, continued to paralyze their measures. It was determined that the commander-in-chief, Sir Hector Munro, a general who had gained some fame in India, should not quit the presidency. The command was to be entrusted to Lord Macleod, who appears to have been an intelligent and meritorious officer, while Sir Hector Munro was to remain at Madras, to secure to the select committee the benefit of his military judgment. It was the opinion of the commander-in-chief that the army should assemble near Conjeveram. Lord Macleod, admitting that this might have been a proper arrangement before the invasion took place, maintained that, for various military reasons, it was then inexpedient, and shrunk from the responsibility of executing plans widely at variance with his own judgment. Sir Hector Munro, thereupon, consented to take the field. He arrived at Conjeveram on the
A. D. 1780. 29th of August, and took the command of a force about five thousand strong. The detachment in Guntoor, under Colonel Baillie, was to join him there. To frustrate this junction, Hyder Ali dispatched a force under his son Tippoo, and he soon afterwards broke up his camp before Arcot, which

place he had previously invested, and posted his own force about six miles to the westward of that of Sir Hector Munro. On the day on which Hyder Ali took this position, the force under Tippoo Sultan attacked Colonel Baillie, though without success. But the enemy continued to harass him; and Colonel Baillie informed Sir Hector Munro that he doubted of his being able to effect a junction. To aid in removing the difficulties in the way of this object, Sir Hector Munro, on the night of the 8th of September, dispatched, under the command of Colonel Fletcher, a detachment amounting to one thousand men, and forming the flower of the army. This measure has been severely condemned by military authorities, as imprudently weakening the main army, and exposing the most valuable part of it to be cut off in detail.* That such a result did not follow will excite astonishment, when it is known that the intelligence department of Hyder Ali's army was so perfect, that he was informed of every particular connected with the movements of the British force; while all those on whom the English relied for information were in the pay of their enemy. Nearly every thing connected with the march of the English detachment was as well known to Hyder Ali as to those by whom it was planned, and the watchful ruler of Mysore prepared to intercept it. The sagacity of Colonel Fletcher disappointed the expectant chief of his prey, and ensured the safety of the detached party. Suspecting, with

A.D. 1780.

* Especially by Colonel Wilks.

CHAP. XI. good reason, the integrity of his guides, he suddenly changed his route, and escaped the fate which had been prepared for him. Early on the morning
A. D. 1780. of the 9th of September he joined Colonel Baillie, thus giving to the troops under the command of the latter officer an increase of confidence, of which they stood greatly in need.

Hyder Ali was not less astonished than displeased at the successful passage of Colonel Fletcher. It still more confounded the officers of the French party, which had been dismissed by Basalat Jung, and who, after sojourning for a time with the Nizam, were now in the service of Hyder Ali. By them the movement of Colonel Fletcher was regarded as part of a series intended to bring Hyder Ali's army between those of Sir Hector Munro and Colonel Baillie, and they advised immediate retirement. Hyder Ali took a different and more correct view, and determined to maintain his ground.

In the evening the force under Colonel Baillie began to march. Hyder Ali had prepared for this step. He had sent off the greater part of his infantry and guns, remaining himself with his cavalry, ready either to protect his camp, or to aid any attack that might be made upon Colonel Baillie. Very soon after the British force was in motion it was challenged by the enemy's videttes, and the challenge being answered by a platoon from the advanced guard, its march became known to the enemy. For several miles its progress was interrupted only by rockets and a few irregular troops,

but the flanking parties prevented much mischief arising from these attacks. At length a heavy body of horse was observed approaching in the direction in which the baggage was placed, and some guns, which they had covered, opened. A halt took place, for the purpose of making a better disposition for the security of the baggage, and a party was dispatched to seize the guns; its progress was intercepted by a deep trench, which had been cut with a view to the irrigation of the land, but which now formed a defence to the enemy's troops and guns. The latter were, however, silenced by the superior execution of the English artillery; and all reason for delay being at an end, every thing was prepared to continue the march. Colonel Baillie, however, determined to prolong the halt. The reason of this has never been explained, and it has generally been regarded as the master error of the day. Had he continued his march, there seems little doubt that he would either have actually joined Sir Hector Munro, or at least have advanced so near to him, as to have ensured all the advantages expected from the junction. The delay enabled the enemy's cannon to be withdrawn to a point where they could again be employed in embarrassing the English force; it allowed time to Hyder Ali to become apprized of their situation, and to take his measures accordingly.*

* In a work entitled, "Memoirs of the War in Asia," it is stated that Colonel Fletcher, being asked by some officers why Colonel Baillie halted, answered that Colonel Baillie was an officer

CHAP. XI.

Soon after the march recommenced the enemy opened a fire from a few guns at a considerable distance. The British commander again halted, and dispatched a body of sepoy grenadiers to attack the guns. They gained possession of some of them, and put to flight the party by whom they were defended, when the cavalry of Hyder Ali appeared in sight, covering the plain like a cloud, and threatened to cut off the return of the British party, which thereupon retired. Hyder Ali had left his camp without striking his tents. The movement of his cavalry was only designed to mask the advance of his infantry and artillery, and Colonel Baillie found himself exposed to an attack from the whole force of the enemy. More than fifty pieces of cannon opened on the British corps, while cavalry and infantry almost innumerable pressed it on every side. Ten British field-pieces indeed returned the more numerous fire of the enemy with powerful effect while ammunition lasted; but this at last failed—a result accelerated by the explosion of two tumbrils which were exposed to the enemy's shot. Repeated charges of the enemy were met and sustained with a steadiness highly creditable to the troops, and the Euro-

of established reputation, and that he had no doubt reasons for his conduct. What those reasons could be it is difficult to conceive. Colonel Wilks appears to lend his authority to the conjecture that Colonel Baillie was influenced by "the expected distinction of exhibiting in the morning the junction of his corps without the loss of any of its equipments, a credit of which he might be deprived by errors inseparable from the obscurity of the night."

peans cried out to be led on. To the last these gallant men maintained their order. The sepoys gradually fell into confusion, some preparing for flight, others keeping up a desultory fire, without object or effect. All being lost, Colonel Baillie went forward waving his handkerchief as a demand for quarter, and supposing his request complied with, he ordered his troops to lay down their arms; but the savage host arrayed against them continued long afterwards to slaughter their now unresisting foes. Colonel Wilks says, "Hyder's young soldiers, in particular, amused themselves with fleshing their swords and exhibiting their skill on men already most inhumanly mangled, on the sick and wounded in the doolies, and even on women and children, and the lower order of horsemen plundered their victims of the last remnant of clothing."

Nothing remained to relieve the gloom of this ill-fated day but the recollection of the gallant conduct of the defeated corps, and more especially of the European part of it. Colonel Baillie displayed few of the qualifications of a commander except courage; but in this he was not deficient. Eighty-six British officers were engaged in the conflict; of these, thirty-six lay dead on the field at its termination, or subsequently died of the wounds which they received; thirty-four more were wounded, but not mortally, and sixteen only surrendered unwounded. Among the killed was the gallant Colonel Fletcher.

The worst was yet to come. The soldier knows

CHAP. XI.

that his profession calls him to privation, fatigue, danger, suffering, and possibly to death. In camp and field he looks on these as ordinary contingencies; but when the deadly strife has ended, and the sword of the conquered has been lowered in submission to the victor, the usages of all civilized countries entitle him to expect that the offices of humanity will be interposed to alleviate the sorrows of his situation, and, as far as practicable, to render even captivity tolerable. With the usages of civilized nations Hyder Ali was little acquainted, and he was uninfluenced by that natural generosity which has sometimes thrown a lustre over barbaric conquest more brilliant than the conquest itself. Seated in his tent, the ruffian conqueror regaled his eyes by having his prisoners paraded before him, while from time to time the heads of the slain were deposited at his feet. The sequel was worthy of the commencement; every indignity that malice could devise, every privation that cruelty could inflict, awaited the unhappy Europeans, who were destined for years to remain the prisoners of Hyder Ali.

The memory of these atrocities is preserved in the personal narratives of some of the sufferers; and the general character of the treatment sustained by the English prisoners will be shewn by a brief extract from one of these, written by Lieutenant Melvill, a king's officer,* whose left arm was

* At a later period of his life, Lieutenant-governor of Pendennis Castle, Cornwall, where his amiable and benevolent character is not yet forgotten.

shattered during the engagement, and the muscles of his right severed by a sabre cut after the surrender. After lying many hours on the field, exposed to all the suffering inseparable from such a situation, he was carried to the camp of the conqueror, where the wounded were crowded together in one tent, without succour and without hope. From thence, with his companions, he was marched forth to Arnee, and afterwards to Bangalore. "We had looked forward," says Lieutenant Melvill, "to the close of our long and painful journey, with the cheering expectation that it would cause some mitigation of our woes. But great was our disappointment, or rather our horror, on entering a wretched shed, pervious to wind and weather, the destined place of our captivity, and on beholding the miserable objects by whom it was already tenanted—our brother-officers in chains, whose meagre countenances and squalid forms revealed at once the secrets of the prison-house, and disclosed the welcome provided for its new inhabitants. Our misery, indeed, exceeded theirs, in proportion as our bodily pains were greater, and our wants more numerous. The party of British whom we now joined in the prison of Bangalore had been taken either unwounded, or so slightly hurt, as to be capable of bearing a speedy removal into Hyder's territory. The wounds we had suffered were more severe, and required surgical aid. Some were maimed and helpless. All medicine was denied, and it was very difficult to procure it clandestinely, under the strict prohibitions of introduc- CHAP. XI.

CHAP. XI.

ing it which prevailed, and the danger of punishment if detected; and while our bodies were racked with pain, and enfeebled with sickness, our minds became a prey to gloom and despondency. If, in consequence of any favourable rumour, as of peace, or the success of our arms, a ray of hope entered our dismal abode, it was soon dispelled by reports of a contrary nature; and thus conspired with every thing else to confirm and aggravate our despair. We were sometimes visited as objects of curiosity by men of rank; but the contempt and abhorrence with which, in general, they regarded us, were exceedingly mortifying, and hurt us more than the ignominy of our chains. Our unfeeling guards, in imitation of their superiors, and to gratify the same malignant passions which influenced them, insulted and tyrannized over us with a brutality suitable to their low birth and condition. Applications for redress were heard at best with contemptuous indifference; and we were often told, in plain terms, that it was not intended we should survive our imprisonment, unless we complied with the infamous requisition of bearing arms against our country. Those who know from experience the high feelings of a British officer, accustomed to command the sons of liberty, may judge of the bitterness of our degraded, abject state, when, even within the narrow bounds of our prison, we were controlled, threatened, and sometimes struck, by the lowest menial who guarded us. Like slaves, or rather felons, we were mustered and examined twice

a day; and the severest and most ignominious scrutiny of our persons followed a suspicion that we corresponded with our friends confined in other prisons, or that we received supplies of money or of necessaries from any quarter. Upon these occasions, we were conducted separately into places apart from the prison, and searched by the principal officers of the fort. This separation from each other was needlessly prolonged, and never failed to excite in our minds the most lively apprehensions that we were selected to fall by poison or the sword, like many of our unhappy brethren, who had been removed from one prison to another for that execrable purpose. The tyrants who guarded us were apprized of our fears, and calculated their measures so as to increase them. The slightest advantage gained by their troops was magnified to a decisive victory, and announced to our trembling ears by the fire of the artillery planted round our prison; each flash, each report of which struck horror to our hearts and affected us like the knell of a dear departed relative or bosom friend. We were often told, and through other channels we knew it to be the fact, that actual force had been used on the persons of many of our countrymen in other prisons, with the expectation that when they bore the indelible mark of Mahometanism they would apostatize from God, and abjure their earthly sovereign. The same abhorred expedient recurred to our minds as intended for us whenever a stranger of rank visited the prison, especially if he seemed to

CHAP. XI.

cast a scrutinizing eye on our persons. In such a state of complicated mental distress nearly four years of the prime of life were consumed; and during this sad period our corporeal sufferings were not inferior in their degree to those of our minds. Our couch was the ground, spread with a scanty allowance of straw; the same wretched covering which shielded our limbs from nakedness by day served to enwrap them also by night. The sweepings of the granary were given us in any dirty utensil or broken earthen pot. Swarms of odious and tormenting vermin bred in our wounds, and every abomination to the sight and smell accumulated around us, till its continuance became intolerable to our guards." Such was the treatment of the prisoners of Hyder Ali, as attested by a witness of unquestionable veracity and honour, himself one of the sufferers. If the extension of British influence in India had no other effect than to put an end to horrors like these, who would be found to regret it? It is a gratifying fact that the French officers retained by Hyder Ali had not forgotten, in his service, the courtesies of civilized warfare. They did much to mitigate the sufferings of the wounded prisoners, and would have done more had they not been restrained by the tyrant whom they served. "No pen," says another of Hyder Ali's victims, "can do justice to the humanity of those officers, without whose assistance many of our officers must have perished; but their merit will for ever be embalmed in the hearts

and minds of all who felt or who witnessed their beneficence."*

It is natural to ask, where was Sir Hector Munro while the destruction of Colonel Baillie's force was in progress? On the day on which it took place, discovering that Hyder Ali had departed, he marched about four miles, fired three signal guns, and observing the smoke from the action on his left, marched about a mile and a half further in that direction, repeated his signals, but had no return. He then observed an increased smoke, occasioned by the explosion of the tumbrils, and suddenly, he says, the firing ceased.† He continued his march to the right in expectation of meeting Colonel Baillie, "not doubting," he observes with great *naïveté*, "but that he had repulsed the enemy." After marching about two miles, his confidence was somewhat shaken by meeting with a wounded sepoy, who reported that Colonel Baillie was entirely defeated. He consoled himself, indeed, by determining that this information was not to be depended upon; yet the non-appearance of the detachment, and the cessation of the firing, he admits, gave too much reason to suspect some disaster. He accordingly returned to Conjeveram, where the appearance and reports of other wounded stragglers confirmed the news of Colonel Baillie's defeat. Still the general could not bring himself to believe it. His incredulity was all

* Memoirs of the late War in Asia, vol. ii. page 7.

† Letter from Sir Hector Munro to Select Committee, 21st September, 1780.

CHAP. XI.

but invincible. "The reports of the sepoys," says he, "differed so much as to particulars, that no credit could be given them."

Another question arising out of the extraordinary nature of these transactions is, why did Sir Hector Munro defer moving to the support of Colonel Baillie till it was too late? His own explanation is, that when he first learned that Colonel Baillie was in danger, his only resource for provisions was a stock of paddy collected in the pagoda of Conjeveram; that if he had then moved, Hyder Ali would have occupied his ground, and cut him off from all provisions, whereby his army would have been starved. He returned to Conjeveram, after his tardy and fruitless march in search of Colonel Baillie, and then learned, apparently for the first time, that the stock of provisions, for the protection of which he had left Colonel Baillie's detachment to its fate, was barely sufficient for one day's consumption; that he had not therefore by the sacrifice of so large a portion of his army secured the means of feeding the rest, and that, if he remained where he was, he should be surrounded by Hyder Ali's cavalry. He therefore resolved to proceed to Chingleput, where he hoped to find supplies; but on reaching it, after a harassing march, attended by the loss of a large portion of his stores and baggage, he was destined to the disappointment of learning that here too, as at Conjeveram, one day's consumption was all that could be procured. At Chingleput he was joined by a considerable detachment from the westward, under Captain

Cosby; but increase of numbers, where there was before a deficiency of food, was but an increase of weakness, and Sir Hector Munro was compelled to make a forced march to St. Thomas's Mount, only a few miles from Madras, where he arrived on the 14th of September. On the 15th, the English army removed to a more secure position at Marmalong, with a river covering its front. Sir Hector Munro had quitted the presidency on the 25th of August —twenty days only had passed before his return to St. Thomas's Mount; but within that brief space, how much of misconduct and of suffering, of disaster and disgrace, had been crowded! CHAP. XI. A. D. 1780.

At Madras, fear, indignation, and sorrow, pervaded the minds of the inhabitants. Some sought opportunity of returning to England, others prepared for flight to Bengal. All joined in lamenting the brave men whose lives had been so uselessly sacrificed and whose departing spirits were ungladdened by the reflection that the pouring out of their blood was the purchase of victory to their country. All joined in bitter condemnation of the counsel which had led to such fatal results. The authorities of the presidency were in a state of inexpressible alarm, and a fast-sailing vessel was despatched to bear to Bengal the intelligence of their mismanagement and its consequences. The danger of the Carnatic was previously known at Calcutta, but the governor-general and council had waited for further information before interposing in any way in regard to it. When the fatal news of the destruction of Colonel

CHAP. XI.

Baillie's force and the retirement of Sir Hector Munro arrived, they were not without abundant employment for their time and resources. The Mahratta war was raging, and the proceedings of the Rajah of Berar were of a very equivocal character. He had sent an army into Cuttack ostensibly for the purpose of invading Bengal. It was pretended that this step had been taken solely for the purpose of maintaining appearances with the Nizam and the authorities at Poona, and the governor-general, in consequence, had been induced to supply this force both with provisions and money. Still there was abundant ground for distrust, and, under circumstances of less alarm, the presidency of Madras would probably have been left to its own resources. But the emergency was great, and was so felt at Calcutta. It was resolved, therefore, to assist Madras with the immediate advance of fifteen lacs of rupees, and with reinforcements of troops, both European and sepoy, as soon as possible. Sir Eyre Coote was also invited to proceed to Madras to take the command of the army, and he forthwith departed for that purpose. These measures were accompanied by another, which only very extraordinary circumstances could justify. The governor-general and council determined to suspend Mr. Whitehill from the office of governor of Madras, on the grounds of disobedience to the superior government in various matters connected with the negotiations with Basalat Jung, and more especially in the non-restoration of the Guntoor circar, in com-

pliance with the orders of the governor-general and council. The restoration had been delayed on various grounds, but more especially because a lease of the circar for a term of years had been granted to the Nabob of Arcot; but the circar had been relinquished before the resolution of suspending Mr. Whitehill was adopted by the governor-general and his council, though not sufficiently long for them to become aware of the fact. There had been, however, enough of delay to justify the expression of their displeasure; and had the governor of Bengal been more lenient, Mr. Whitehill's hold of the reins of power would not have been greatly lengthened. The date of his suspension by the governor-general and council preceded that of his dismission from the service by the Court of Directors by exactly three months.* His incompetency as a governor needs no proof, and charges far more serious than mere incompetency were freely made against him.† In truth, for several

* The former took place on the 10th October, 1780; the latter on the 10th January, 1781.

† Mr. Whitehill was accused of malversation at Masulipatam, where he had held office; he was included with Sir Thomas Rumbold and Mr. Perring in the threatened bill of pains and penalties; and his name is conspicuous in the memorable job known to the curious inquirers into the more discreditable portions of Indian history as "the Noozeed affair." A very short but very spirited pamphlet, under this title, was published in 1832, just after the sanction of the British legislature had been given to one of the most iniquitous bills ever passed. Mr. Whitehill, the Right Honourable John Sulivan, Mr. James Hodges, and others had, or professed to have, claims for large sums of money upon a native named Opparow, the zemindar of Noozeed. Mr. Hodges, it was alleged, ultimately took upon

CHAP. XI. years preceding this period, the most monstrous corruption appears to have existed at Madras, and

himself the debts, or a part of them, due (or represented as being due) to Mr. Whitehill and some of the other parties. It was said that he lent more money to the zemindar; and at the distance of more than half a century from the origin of these most suspicious and discreditable transactions, the representative of Mr. Hodges succeeded in obtaining from the British Parliament an act compelling the people of India to pay these alleged debts of a private individual, named Opparow. The measure was opposed in every stage by all the power of the East-India Company, but from some cause, not easy to explain, without effect. At the last stage of proceeding in the House of Lords, the Lord Chancellor (Lord Brougham) took an elaborate view of the entire circumstances of this case, on which the bill was founded, and concluded with earnestly advising their lordships to reject the bill. This advice was unheeded, and the royal approbation was unhappily secured for this flagrant violation of all sound and honest principles of legislation. It would be neither practicable nor proper to enter at any length into the transaction here; a few of its beauties are displayed in the following passages from the pamphlet above referred to.

"We are astonished that any committee of Parliament should have deemed it necessary to institute an inquiry, as to whether a public servant could be justified in transactions so obviously opposed to every principle of duty and propriety.

"Our astonishment is greatly increased at observing that the committee had before them distinct evidence of this striking, this appalling fact, that at the time when the bond from Opparow to Mr. Hodges bears date, Opparow was in prison, and Mr. Hodges was one of his gaolers!

"It is to enforce payment of that bond that Parliament has interfered; and this, too, with evidence before them, of charges preferred against Mr. Hodges by another zemindar in 1785, of extorting bonds from him!!"

Well might the Lord Chancellor declare the claim "tainted—contaminated in its origin." His lordship's observations on the delay which took place in pressing the claim till a convenient opportunity arose are well deserving notice:—

the entire time of the principal servants of the Company seems to have been employed in endeavouring

"In the year 1793, therefore, it appears Mr. Hodges and the Company were at issue, and he lived but a very short time afterwards, having died in the year 1794. It appears, from the evidence in this case, that Mrs. Hodges' attention was particularly directed to the subject of this claim; but from the year 1794, the year in which Mr. Hodges died, until the year 1801, nothing appears to have been done by her; for this period of seven years, which so elapsed, I presume she was advised to do nothing. At what particular period in 1801 Mrs. Hodges sent in her memorial, which contains a very particular and circumstantial detail of the whole of the transactions, does not appear, for I do not find that any date is attached to it."

Lord Ellenborough.—"The answer of the Court of Directors is dated the 26th of January, 1801."

The Lord Chancellor.—"Exactly so; and therefore I collect from that fact, that the memorial was presented in that month, or, at all events, but a short time before. Now, to this memorial the Court of Directors returned answer,—'That the Court having referred to their resolutions of the 2nd of May, 1792, and the 8th of May, 1793, wherein they declined any interference in the business, have resolved that the prayer of your memorial be not complied with.'

"Then, my lords, in the year 1803, comes the third link in the chain of circumstances connected with these transactions, at which period the permanent settlement was introduced, and the property attaching to the zemindary which had belonged to Opparow was restored to certain members of Opparow's family, the Company relinquishing any further claim in respect of that zemindary. With a full and perfect knowledge of all these facts, nothing whatever has been done from the period I have stated; and I therefore contend that the party now claiming has been guilty of the most inexcusable *laches;* that he has, in fact, been sleeping on his rights ever since the year 1803, when a final settlement of the transactions respecting this zemindary took place, and at which period the estates were restored to the representatives of Opparow. And here, my lords, rest the grounds upon which I

CHAP. XI.

to turn the current of dishonourable gain into their own coffers. Clive, in Bengal, had acquired imperial wealth, but he had never sacrificed the interests of his country to its acquisition. Even among those who followed him there was found some decent attention to current business, and some regard to the preservation of the Company's authority and dominion. But at Madras, for some years, there is reason to believe that to earn the wages of corruption was the sole employment of many of the Company's servants, and that the pursuit of their private interests was never shackled or impeded for an instant by the slightest regard to those of the Company or their country. The intriguing Mahomet Ali impoverished himself by purchasing the services, or pretended services, of Europeans, and among the servants of the Company, as well as beyond their circle, he was so fortunate as to find many ready to accept with thanks his gold or his bonds. His army was ever inefficient and mutinous for want of pay, but his European parasites were rewarded with true princely munificence. Lord Pigot opposed himself to the torrent of corruption, and it swept away his power. The usurped authority before which he fell yielded to that of the councillors sent out from England, and some of the

say this bill cannot, ought not to pass; here I take my stand, and say—what was done after 1803? Why, my lords, nothing whatever was done by the parties for a period very little short of thirty years, the time at which the claim was received being about two years since."

members of the new government were, after no long period, ignominiously dismissed from the service of the Company for acts believed to have been corrupt. The moral atmosphere of Madras appears at this time to have been pestilential; corruption revelled unrestrained; and strong indeed must have been the power which could effectually repress it while Mahomet Ali had purposes to gain, and either money or promises to bestow. It is not wonderful that, where public spirit and public decency were alike extinct, the government should have been neither wise nor strong. It is a fact more calculated to excite surprise that it should have been able to maintain itself—that amid the storms which raged around it, every vestige of British dominion did not disappear from the coast of Coromandel. CHAP. XI.

After the defeat of Colonel Baillie, Hyder Ali had resumed the siege of Arcot. The fortifications of this place were good, but not perfect. Hyder Ali commenced a series of operations, and erected batteries under the management of his French officers. At the end of six weeks two practicable breaches were made, and on the 31st October the place was simultaneously assaulted by two columns; one under Hyder Ali's son, Tippoo Sultan—the other under an officer named Maher Mirza Khan. The former was repulsed; but the latter having succeeded in effecting an entrance, the column under Tippoo Sultan made a second attempt with better success. The garrison retired to the citadel, the spot where Clive laid the foundation of his A. D. 1780.

CHAP. XI.

imperishable fame. It was not, however, destined to sustain another fifty days' siege. The governor, a brahmin, had been taken prisoner in the assault; but instead of being subjected to the hardships and insults inflicted by Hyder Ali on his European prisoners, he was treated with extraordinary consideration, and declared to be invested with the same office under Hyder Ali which he had recently held under the Nabob of Arcot. The desired effect followed; the pliant brahmin readily renounced his allegiance to his former master, and entered cordially into the objects of his new one. By his influence over the native troops, forming the garrison, such a spirit was generated, as left to the officers who commanded them no choice but to surrender, and the possession of the citadel of Arcot thus crowned the capture of the town.

Two days after its surrender Sir Eyre Coote arrived at Madras. He took his seat in council, and the letter from Bengal announcing the suspension of Mr. Whitehill, as well as another entering into the reasons for that act, were read. Mr. Whitehill protested very vehemently against the exercise of the authority of the government of Bengal, and called upon his colleagues to support him, but with little effect. Sir Hector Munro proposed delay, and Mr. Davidson, another member of council, consoled his chief by declaring that he did not approve of his suspension, though he acknowledged the power of the supreme council, and voted accordingly. This was all the encouragement afforded to the un-

fortunate governor, and a majority of the council voted Mr. Smith, the next senior servant, acting president.

More than three months had elapsed since Hyder Ali entered the Carnatic, more than ten weeks since Sir Hector Munro left Madras to take the command of the army, and more than seven since his disastrous return to St. Thomas's Mount; yet, with an enemy so active and acute as Hyder Ali, almost at the gate of the presidency, no preparation had been made for its defence. Nothing had been done towards adding to the remnant of an army which was left for service; and the severe loss which had been sustained by the destruction of Colonel Baillie's corps was aggravated by daily desertions; the despondency and disaffection of the sepoys having been greatly increased by the fall of Arcot.* The field artillery was useless for want of carriages, the construction of which was only just commencing; while the supply of beasts of draught and burden was inadequate, and of the few which were ready for service, but a small portion were fit for it. Provisions were so scarce, that the troops in camp could with difficulty procure a supply from day to day; and Hyder Ali's cavalry prowled over the country within five miles of Madras. Application was made to the Nabob of Arcot; he answered that he had neither men, money, nor influence, but trusted to the Company for every thing. Sir Eyre Coote found, consequently,

* Sir Eyre Coote states that many of them were natives of that place, and had their wives, families, and relations in it.

CHAP. XI. that he had proceeded to Madras not merely to take the command of the army there, but also to make the requisite preparations to enable him to possess an army to command. Happily it was the rainy season, and this circumstance afforded a reasonable excuse for the troops remaining in their quarters. Time for preparation was thus afforded, without necessarily revealing how much it was needed.

The interval thus gained was well employed, as far as circumstances would admit, and on the 30th De-
A. D. 1780. cember, Sir Eyre Coote called a council of war, to deliberate on the plan of operations. It consisted, in addition to the commander-in-chief, of Sir Hector Munro, General Stuart, and Lord Macleod. The result of their deliberations was, an unanimous opinion that the army should march in relief of certain garrisons which were severely pressed by the enemy; and this object being accomplished, return to Madras. One of the garrisons proposed to be relieved, that at Amboor, surrendered before the English army was able to take the field, which
A. D. 1781. was not till the 17th January. On the 19th, Sir Eyre Coote succeeded in relieving Chingleput, in which only fifteen days' provisions remained. The fort of Carangoly, in the occupation of Hyder Ali, lay about thirteen miles to the south-west, and Sir Eyre Coote having been led to believe that the enemy were quitting it, and carrying off the store of provisions, resolved to make an attempt to relieve them from their charge. For this purpose, at midnight, on the 20th of January, a detachment of one

thousand men, under Captain Davis, was despatched, the main body following some hours after. The intelligence, however, under which the force had been detached, was erroneous, and so far from the place being deserted, Captain Davis found the garrison perfectly ready to receive him. He determined, notwithstanding, to execute his orders; and the place being unprovided with a draw-bridge, a twelve-pounder was rapidly run up to the first gate, which, at the second discharge, was blown open, so as to allow passage for a single man. Passing this, a second and a third gate presented themselves, and these were ultimately forced, though with greater difficulty, the assailants being during the whole period of operation exposed to the enemy's fire from above. The third gate being carried, the garrison escaped by ladders, on the opposite side, and the English were in undisputed possession of Carangoly. The loss of the victors was severe; but the effect of so brilliant a stroke at the opening of the campaign was highly beneficial, more especially after the shadow which had so recently passed over the power of the British arms. One main object of the attack was also secured, in the capture of a quantity of grain.

Wandewash was about twenty-three miles further, and this was the next object of anxiety. When Hyder Ali entered the Carnatic he found no great difficulty in obtaining possession of the forts, where the officers of Mahomet Ali had the actual command. A short negotiation with the killadar saved a long

CHAP. XI. siege. To avert such consequences, English officers, with small bodies of Company's troops, were dispatched to various places, and among others to Wandewash. The officer to whom the charge of defending this place was allotted was Lieutenant Flint, who arrived before it with a force of about a hundred men. Having ascertained that the place was still occupied by Mahomet Ali's troops, he sent a message to the killadar announcing his approach. The killadar answered that the British officer would be fired at if he should come within range of the guns. Not deterred by this threat, Lieutenant Flint persevered, and at the verge of the esplanade met a picquet sent to stop him. The native officer representing that he could not be permitted to pass, Lieutenant Flint answered that the officer must have misapprehended his orders, which could only have been to stop the approaching party till satisfied that they were friends, of which there could no longer be any doubt; and he succeeded in shaking the faith of the officer in his own conviction of the meaning of his orders, so far as to prevail on him to seek an authoritative explanation of them. In the meantime the English party continued to advance, all messages of warning, several of which followed the first, being met by Lieutenant Flint with a further request for explanation. Arrived within musket-shot of the ramparts, it was perceived that they were manned with troops, and that the gates were shut. Here Lieutenant Flint halted, and demanded admission for himself and a few attendants,

to deliver a letter from the Nabob to the killadar. This the killadar refused; but, after some parley, agreed to receive the letter between the gate and the barrier of the fortress. Here he took his place on a carpet, attended, for state, by several men of rank, and, for protection, by thirty swordsmen and one hundred sepoys. Lieutenant Flint advanced to the conference, with four sepoys only, and, after the usual compliments, avowed that he had no letter from Mahomet Ali; but added, that he possessed that which under the circumstances was to be considered as equivalent—the order of his own government, written in communication with the Nabob. The killadar took a much lower estimate of the value of the document, which he was disposed to treat with contempt, and, after some slight discussion, was about to retire, when Lieutenant Flint suddenly sprung on him, and declared that his death should instantly follow if a hand were raised to rescue him. The bayonets of the four British sepoys were at the same moment pointed at the breast of the killadar, while the powers of his own guards seemed suspended by consternation. Before they recovered their self-possession, the remainder of the British detachment rushed in, and Lieutenant Flint then explained that no harm to the killadar was meditated; that, on the contrary, if no resistance were offered, he should still retain the honour of the command, which was to be actually exercised by his English captor. Little time was spent in negotiation; the gates were opened, and the whole party entered as friends.

CHAP. XI. But for the extraordinary means adopted by Lieutenant Flint the place would have passed into the hands of Hyder Ali. The bargain had been made, and the act of surrender was to receive the seal of the killadar on the very day on which he so unexpectedly found himself within the grasp of the English lieutenant. The former avenged himself for the loss of his anticipated reward by endeavouring to excite disaffection in the garrison to the English cause; but the vigilance and address of Lieutenant Flint rendered his efforts ineffectual.

Wandewash had been invested by Hyder Ali late in the preceding year, and on the 16th of
A. D. 1781. January the enemy had entered the ditch by galleries in two places, while another gallery from the south was nearly ready for the same operation. The garrison were now anxiously looking for relief, and at two o'clock in the morning of the 17th, a heavy fire of cannon and musketry was heard in the direction whence relief was expected. The firing continued till day-break, when a column of about three thousand infantry, having the appearance of British sepoys, with English colours flying, appeared and drew up behind a village near the east face of the fortress, and discharged their cannon at bodies of horse making demonstrations as though preparing to charge. At the same time the troops in the town engaged in the lines of attack on Wandewash abandoned their trenches with precipitation, and marched off in the direction of Arcot. The garrison were persuaded that succour had arrived; but

there were some circumstances in what was passing which rendered Lieutenant Flint somewhat more than sceptical. He observed that the fire of the guns was from a distance not usual in the practice of British artillery, and that the shot discharged at the approaching bodies of horse grazed in directions clear of their apparent object. He found some difficulty in impressing his own belief on his men; but the hesitation of the pretended relief at length began to shake even their confidence in its approach. He ventured, however, to avail himself of the opportunity to detach a large portion of his small garrison into the works of the western attack, which they entered unperceived, destroyed the galleries, and set on fire the materials accumulated for filling the ditch. The smoke from this operation was the first intimation to the enemy of what was in progress, and large bodies of men, who were placed in ambush in every direction, immediately rushed to recover the works. The signal for the return of the party from the garrison was thereupon made and promptly obeyed, and the party, after scouring the trenches of the southern attack, and killing or making prisoners every one who had been left concealed either there or in the lines of the western attack, rejoined their comrades without the loss of a man. During three or four days succeeding the defeat of this notable scheme the enemy was assiduously employed in repairing the damage which his works had sustained; but on the 22nd of January the batteries and trenches were evacuated, and the tents

CHAP. XI.

A. D. 1781.

CHAP. XI.

and baggage sent off in the direction of Arcot. The enemy had learned the capture of Carangoly, and on the 23rd they most opportunely disappeared, leaving the garrison of Wandewash with only one day's consumption of ammunition. On the 24th Sir Eyre Coote arrived, and had the satisfaction of still seeing the British flag flying on the ramparts. Twenty-one years before, on the same day of the same month, the veteran commander had raised the siege of Wandewash by one of the most memorable of his victories, and he now encamped on the same spot which he had then occupied.

A French fleet at this time appeared off Madras, but it brought no land force. Sir Eyre Coote having relieved Permacoil, one of the fortresses invested by Hyder Ali, proceeded to restore order at Pondicherry, which had been shaken by the removal of the garrison to other duty. His next object was to protect Cuddalore, which was likely to be a source of annoyance in the hands of the enemy. Here he was greatly pressed by want of provisions, and a long interval passed undistinguished by any thing worthy of record in a history not exclusively military. Happily the commander of the French fleet had not suffered the example of his predecessors to be lost upon him. About three weeks after his arrival he had suddenly departed for the Islands, and thus afforded opportunity for the English army to receive supplies by sea.

The first occurrence which broke the monotony of repose took place about the middle of June. The

fortified pagoda of Chilambrum was reported to be garrisoned by only a few hundred irregular troops, and as there was no considerable body of the enemy in its vicinity, Sir Eyre Coote hoped to be able to carry it by a *coup de main*. The attack was conducted by the commander-in-chief himself, but it failed. Some intention existed of renewing it; but better information of the state of the garrison, which was far more numerous than had been supposed, and comprised, contrary to Sir Eyre Coote's belief, a large number of regular troops, led to the abandonment of further attempts against the place.

During the inactivity of the British army, Hyder Ali had been characteristically employed in a variety of minor enterprizes, of which the acquisition of booty formed one principal object. On hearing of the attack on Chilambrum, he made a forced movement of a hundred miles in two days and a half, placed himself between the English army and Cuddalore, and began to fortify a position not more than three miles from the British encampment, at the same time covering the whole country with his cavalry. The situation of the English army was now most critical: its possible destruction was contemplated, even by its own commander; and while part of the squadron under Sir Edward Hughes was to cover Cuddalore, the remainder was to watch the operations of the army, and to receive, if necessary, the remnant that might be left from defeat, should that result await it. The battery-guns were embarked; and divested of every impediment to rapid motion,

CHAP. XI. an attempt was to be made, either to turn or force the enemy's position, or to bring on a general action.

A. D. 1781. At seven o'clock on the morning of the 1st July the British army had passed out of its encampments. At this time the commander-in-chief was utterly ignorant of the nature of the enemy's works, and was not even aware of their precise position, for Hyder Ali's cavalry had closed all avenues of intelligence. After marching about a mile and a half the works became clearly distinguishable, and Sir Eyre Coote spent considerable time in a careful *reconnaissance*. His army was during this period exposed to a distant but continuous cannonade, but the English artillery did not return a single shot. The accidental discovery of a road, which Hyder Ali had made for some purpose of his own, facilitated the attack of the English, which was made in two columns. The battle raged for six hours, and every inch of ground was fiercely contested. "Every individual in the Company's service," says one chronicler of the battle, "fought as if the fate of the day had depended on his single efforts."* Their energy met its reward in a brilliant victory. At four o'clock the enemy's line gave way, and a precipitate retreat followed. Hyder Ali had throughout the day viewed the battle from a small eminence, where, seated cross-legged on a low stool, he witnessed the gradual yielding and ultimate flight of his vast army. That which he saw was so much at variance with that which he had anticipated that he

* Memoirs of the War in Asia, vol. i. page 197.

could scarcely believe his senses; and at last, when some of his followers suggested that it was time to move, the intimation was met by a torrent of that vulgar abuse which always constituted the staple of Hyder Ali's eloquence. A groom, whose long service had conferred on him the privilege of disregarding ceremony when danger was at hand, saved his master from the fate which he seemed determined to invite. Seizing the feet of the chief, he forced on his slippers, observing, as he thus equipped him for flight, "We will beat them to-morrow: in the meanwhile mount your horse." The advice of the faithful menial was followed, and Hyder Ali was soon at a distance from the impending danger.

The English army engaged on that day amounted to about eight thousand men. The army of Hyder Ali was at least eight times that number. The enemy had forty-seven pieces of cannon of heavy calibre; the English guns were lighter, but rather more numerous—they were fifty-five in number. A small schooner from the British squadron opened her fire upon a mass of Hyder Ali's cavalry when they were wavering, and the broadside was fatal to a distinguished commander and a considerable number of men. This unexpected attack, magnified by the fears of those upon whom it was made, led them to believe and report that the fire of the entire squadron was turned upon them.

The loss of the English in the battle of the 1st of July was comparatively trifling. About three hundred was the total amount of both killed and

CHAP. XI. wounded. The loss of the enemy cannot be stated with certainty, but it is believed that in estimating it at ten thousand the truth is not exceeded.

A. D. 1781. On the 22nd of June Tippoo Sultan had renewed the siege of Wandewash. On the night of the 16th of July an attempt was made to carry the place by an escalade at all accessible points. It failed: each column, as it approached, was received with a discharge of grape, and irretrievable confusion followed. Orders to renew the attempt at escalade on the ensuing day produced indications of mutiny, the moral influence of Hyder Ali's late defeat coming in aid of the discouragement occasioned by the failure which Tippoo's attempts had already experienced. On the 18th of July Sir Eyre Coote arrived at Carangoly, on his way to effect a junction with a detachment which had arrived from Bengal; and on the same day Tippoo Sultan decamped from Wandewash, leaving the garrison the employment of destroying a number of works, which had been constructed with vast labour before the design of attack by escalade had been entertained. Hyder Ali had made preparations for intercepting Sir Eyre Coote by the route which it was expected he would take. The British general avoided them by taking another road, which enabled him to arrive safely at Pulicat, where he was joined by the expected reinforcement.

Thus strengthened, Sir Eyre Coote was still unable to attempt either of two objects of great importance, the relief of Vellore or the siege of Arcot.

Tripassore, a fortress of some importance, seemed to offer an easier acquisition, and on the 19th of August he appeared before it. On the morning of the 22nd, a breach having been effected, a flag of truce appeared, proposing a surrender, upon terms that had previously been offered, but which were now refused, and unconditional surrender within a quarter of an hour demanded. The instant after the answer was dispatched, it was reported that large bodies of the enemy were in sight, and on reconnoitering, the advanced guard of Hyder Ali's army was perceived in full march. There was now not a moment to lose — Sir Eyre Coote issued orders to storm instantly; and the troops had just emerged from the trenches, when the flag of truce returned with the declaration of surrender, and the assailants ascended the breach without opposition. On perceiving this, the enemy withdrew. The question which had protracted the surrender was, whether the garrison should or should not be prisoners of war. The result had left them prisoners; but to provide food for one thousand four hundred men was an additional difficulty, which the exhausted state of the British commissariat was little able to bear. Sir Eyre Coote proposed to Hyder Ali to exchange them for an equal number of British troops; but the Mysorean chief did not set on his garrison at Tripassore sufficient value to induce him even to wish to preserve their lives. In answer to Sir Eyre Coote's proposal, he said, "The men taken at Tripassore are faithless and unworthy; they know that they dare not approach me; they are your

CHAP. XI. prisoners, and I advise you to put every one of them to death speedily."

Hyder Ali had taken up the same fortunate position which he had formerly occupied when opposed by Sir Hector Munro, and there, on the 27th of
A. D. 1781. August, a battle was fought, the result of which was, that the enemy were driven from their position, and the English left in possession of the field. But the victory thereupon claimed by the English was not very decisive, and the claim is contested by the Mysoreans, who allege the battle to have been a drawn one.* It rather tended to restore to the enemy a portion of the confidence which had been lost by the battle of the 1st of July; and when, two days after the engagement, Sir Eyre Coote returned to Tripassore, he did not possess a day's provisions for his fighting men, while the non-military persons attached to the camp had been without food for two days. Under these dispiriting circumstances, Sir Eyre Coote, "feeling the conviction," says Colonel Wilks, "that he was wasting his large store of character, and what little remained of life, by continuing in command of troops unprovided with all but arms," proceeded to the presidency to represent the inutility of keeping together an army incapable, for want of stores, of effecting any thing, and to express his own desire to be relieved from the command of it. A new governor, Lord Macartney, had arrived at Madras; his advice prevailed on the

* So stated by Colonel Wilks, who had examined the Mysorean authorities.

veteran soldier to make further trial of the practicability of keeping the army together, and rendering its services beneficial. Sir Eyre Coote returned, and on the 27th of September, near the hill of Sholingur, once more put Hyder Ali to the rout, having taken him in a great degree by surprise. The loss of the enemy was believed to be not less than five thousand, that of the English was not more than a hundred. By sacrificing a large number of his cavalry in charges having no object but to gain time to secure the guns, Hyder Ali was enabled to carry off nearly all his artillery. The English took three cavalry standards and one gun, all which, together with the honour of the victory, Sir Eyre Coote professed himself willing to have parted with for five days' supply of rice. The English army kept the field for some time after this battle, principally occupied in endeavours to procure the means of subsistence, and continually misled on this and other points by false intelligence. Late in November it returned into cantonments, near Madras. A. D. 1781.

The English were now at war with the Dutch as well as the French. Sadrass and Pulicat, both Dutch possessions, had been taken soon after the arrival of Lord Macartney, and to these were added in October, 1781, the more important settlement of Negapatam. This capture was effected by a military force under the command of Sir Hector Munro, aided by the fleet under Sir Edward Hughes. The army commanded by Sir Hector Munro included a detachment under Colonel Braithwaite, which had

CHAP. XI.

been employed with some success in Tanjore. Towards the close of the year, Trincomalee and Fort Ostenburgh, Dutch possessions in Ceylon, were added to the conquests of the English.

Sir Eyre Coote had proposed to proceed to Bengal, to concert, if possible, with the governor-general, some plan for relieving the army from the embarrassments and privations which deprived it of efficiency, and wasted its energy in an unremitting search after food. The state of his health, too, which had sunk under the fatigues to which he had been subjected, suggested the expediency of change; but the dangers which threatened Vellore, and the necessity of relieving it, determined the general to remain to perform this duty in person. He rejoined the army

A. D. 1782.

on the 2nd of January. On the 5th he was seized with apoplexy, and remained insensible two hours. He recovered sufficiently to be able to march the next day, and on the 11th arrived with supplies under the walls of Vellore; this being the very day which had been declared by the commandant to be the last to which he could protract the defence unless relieved. Sir Eyre Coote commenced his return to Madras on the 13th, and arrived there on the 16th, after encountering some opposition from Hyder Ali, which was promptly overcome.

On the coast of Malabar the cause of Hyder Ali had not prospered. The native chiefs exerted themselves vigorously, and the English settlement of Tellicherry was for two years bravely defended by means apparently very inadequate. Early in 1782,

reinforcements arrived under Major Abington, and not only was the siege raised, but the whole of the enemy's cannon, amounting to sixty pieces, as well as the whole of their baggage, fell into the hands of the English. But this success was counterbalanced by a misfortune which overtook the corps of Colonel Braithwaite in Tanjore. This, like many other mischances which befel the English, was attributable to the fact of those who furnished the British commanders with intelligence being the servants and spies of the enemy. Colonel Braithwaite, with about two thousand men, encamped upon a plain, where his pretended emissaries assured him that he was secure. An intelligent native, unconnected with the army, warned him of his danger, but in vain; it was impossible to shake the colonel's faith in his ordinary channels of information; and the man who would have saved him having protested against the rejection of his advice, mounted his horse and sought his own security in flight from the spot which was shortly to be devoted to carnage. Wrapt in the confidence of fancied security, Colonel Braithwaite awoke not from his delusion till he found himself surrounded by the army of Tippoo Sultan. Retreat was impossible, and nearly the whole of the English corps was cut to pieces. The kindly attentions of the French officers attached to the army of Tippoo Sultan were, on this occasion, again exerted to stop the indiscriminate slaughter and to minister to the relief of the wounded.

An expedition had been dispatched from England

CHAP. XI. under Commodore Johnston and General Meadows, of which one object was to attack the Dutch settlement at the Cape. Another expedition had been dispatched from France, partly for service in the East, but designed in the first instance to protect the Cape from attack; and arriving before the English expedition, this object was attained. Commodore Johnston having made prizes of some Dutch vessels, thereupon returned to England with three frigates: the remaining ships, together with the troops, proceeded to India. The French having left some troops to reinforce the garrison at the Cape, proceeded to the Islands, and there having added to their strength, they pursued their course to their ultimate destination.

The French fleet, under Mons. Suffrein, was encountered by Sir Edward Hughes, who captured six vessels—none of them ships of war, but one a transport, full of troops, the loss of which was a severe blow to the French force. The French admiral, however, succeeded in landing at Porto Novo three thousand men, two thousand of them Europeans, the remainder Africans. This being performed, he departed in search of a fleet of English merchantmen, the arrival of which on the coast was reported. Sir Edward Hughes soon afterwards sailed to relieve Trincomalee, and happily fell in with the fleet for which the French commander was seeking. It consisted of seven Indiamen and two line-of-battle ships. The latter the English admiral took with him, and pursuing his course, came up with the French

fleet about fifteen leagues from Trincomalee. A sanguinary battle ensued, and terminated without any decisive results, both fleets being too much crippled to renew the contest. The English fleet retired to Trincomalee to repair damage; the French, for the same purpose, to Bathiolo, a port of Ceylon, still in the possession of the Dutch.

On land, the progress of events was less favourable to the English. The French force had joined the army of Hyder Ali, Cuddalore had fallen to them, and the loss of that place was followed by that of Permacoil. The allies then presented themselves before Wandewash; but Sir Eyre Coote approaching, they did not choose to wait his arrival, but withdrew towards Pondicherry. There they were followed by the veteran commander of the British forces, who came in sight of them encamped in a strong position in the neighbourhood of Kellinoor. A movement by Sir Eyre Coote, menacing Arnée, drew upon him an attack, which ended in the discomfiture of the enemy with severe loss. A negotiation had been in progress for the purchase of Arnée, but the vicinity of Hyder Ali rendered the killadar afraid to complete it. A few days afterwards the grand guard of Sir Eyre Coote was drawn into an ambuscade and destroyed. The English army was now pervaded by sickness to an alarming degree. Its next march was to Wandewash, from whence it returned to the vicinity of Madras.

The subsequent naval operations are little more interesting than those which took place on land.

CHAP. XI. The French meditated an attack upon Negapatam, but the design was frustrated by the appearance of Sir Edward Hughes. A battle took place, ending, like so many of the naval engagements of the time, without a capture on either side, and leaving the claim to victory doubtful. Mons. Suffrein was more successful in an attack upon Trincomalee, which he compelled to surrender. The English admiral arrived immediately afterwards, and, from the state of the light, being unable to perceive the symptoms of change, stood in to the harbour. In the morning, the French colours flying on shore, as well as in the anchorage, told distinctly by whom the place was garrisoned. An action between the two fleets followed, but concluded in the usual indecisive manner—the French returning to Cuddalore and the English to Madras. As a naval commander, the French admiral, Mons. Suffrein, appears in a far more respectable light than most of his predecessors in India; but one of his acts casts upon his memory a stain, for which no professional merit can atone. He had proposed to Lord Macartney a cartel for the exchange of prisoners. Some delay took place in consequence of the necessity of referring to Sir Eyre Coote. The English general wished the English prisoners in the custody of Hyder Ali to be included in the exchange; but this proposal, it is believed, was rejected by M. Suffrein. To whatever cause, however, the failure is attributable, it is certain the negotiation ended without any arrangement being completed. M. Suffrein thereupon landed

his prisoners at Cuddalore, and deliberately transferred them to Hyder Ali, by whom they were marched in chains to Mysore. M. Suffrein was not ignorant of the fate to which he consigned his wretched prisoners. Several of his countrymen, greatly to their honour, interposed their endeavours to shake the determination of the French admiral, by depicting the horrors to which Hyder Ali's English prisoners were subjected. Their efforts were fruitless, and M. Suffrein doomed his prisoners to captivity in Mysore, and his own character to universal reprobation. "The whole civilized world," says Colonel Wilks, "must unite in its abhorrence of delivering to the custody of a barbarian, notorious for his contempt of" the customary laws of war among civilized nations, "prisoners entitled to honourable treatment from an honourable enemy."

Sir Eyre Coote's health was now too much shaken to permit of his continuing longer in the state of mental and corporeal excitement in which he had been placed since his arrival on the coast of Coromandel. In aggravation of the toils of war, he had been engaged in a series of disputes with the governor of Madras. Sir Eyre Coote had been invested by the government of Bengal with extraordinary powers, very properly entrusted, with reference to some of the parties in the government of Madras, but which the general was disposed to maintain pertinaciously, and somewhat offensively, against the claims of Lord Macartney, a man neither tainted with the corruption in which his immediate predecessors were steeped,

CHAP. XI.

nor deficient, as they had been, in ability for his high office. The governor was greatly annoyed; but, having much the advantage of his opponent in point of temper, no direct breach took place. On the contrary, Lord Macartney invariably treated the general with the most punctilious respect, though he occasionally suffered some fragments of blame to escape him, clothed, however, in the most courtier-like terms. Occasionally too he ventured to act without consulting the commander-in-chief. He thus acted in the attack on Negapatam, the result of which was honourable to his judgment. But such insubordination was very disagreeable to Sir Eyre Coote, who was disposed to exercise his powers in a manner which would have rendered the maintenance of a governor at Madras a piece of useless expense and pageantry. These broils were suspended by the departure of Sir Eyre Coote for Bengal, the command of the army devolving on General Stuart.

A. D. 1782.

Early in the year 1782, a British force, commanded by Colonel Humberstone, being part of that dispatched from England under General Meadows, had landed at Calicut. They joined the troops previously under the command of Major Abington, and Colonel Humberstone took the command of the whole. The reinforcement had been destined to assist in the operations in progress on the eastern side of India and at Ceylon; but the officers, with that independence of authority which was not then unusual in India, took the course which has

been described. Some success at first attended the operations of this force; but it was, after a time, compelled to make a rapid retreat before the army of Tippoo Sultan. Colonel Humberstone returned to the coast with about three hundred men, the remnant of one thousand with which he had landed a short time before. Colonel Macleod had been sent by Sir Eyre Coote to take the command, and he resisted a night attack on his position by Tippoo Sultan with spirit and success. Further attacks were apprehended, and Sir Edward Hughes, who now appeared off the coast with his squadron, joined Colonel Macleod with a reinforcement of four hundred and fifty Europeans, when circumstances were unexpectedly changed by the sudden departure of Tippoo Sultan to the eastward. This retrograde movement was caused by the receipt of intelligence of the death of Hyder Ali, who closed his ruffian life at an age not falling short by many years of that of Aurungzebe. To avert confusion, it was important to conceal his death till his successor was on the spot to maintain his claim. The body was accordingly deposited in a chest filled with aromatics, and sent from the camp under an escort in a manner similar to that in which valuable plunder was conveyed. All the business of the state went on as usual, and inquirers after the health of the chief were answered, that though extremely weak, he was in a state of slow but progressive amendment. Of the few persons entrusted with the secret, one only, named Mahomed Ameen, proved faithless.

CHAP. XI.

This person, who commanded four thousand horse, formed a project, with some others, to take off by assassination those who provisionally administered the government, and to assume their power in the name of Hyder Ali's second son, a young man of weak intellect, in whose hands empire would have been but an empty name. The plot was detected; the conspirators seized and sent off in irons; the belief that Hyder Ali still lived being encouraged by these acts being represented as the consequences of his personal orders. The army marched in the direction of Tippoo Sultan's advance, and the palanquin of Hyder Ali occupied its accustomed place, care being taken to restrain too close approach, lest the repose of the royal patient should be disturbed and his recovery impeded by noise or interruption. At length the illusion was dispelled by the arrival of Hyder Ali's successor, who assumed the sovereignty which awaited him with an extraordinary affectation of humility and grief.

The death of Hyder Ali afforded a favourable opportunity to the English for striking a vigorous blow, but it was not improved. The government pressed upon General Stuart the expediency of the immediate march of the army; but the answer of the general was, that he did not believe that Hyder Ali was dead, and if he were, the army would be ready for action in proper time. The recommendation to march was repeated, and General Stuart then declared himself astonished that there could be so little reflection as to talk of undertakings against

the enemy in the actual state of the army and the country. Thus was opportunity thrown away: when it was lost, the army was put in motion. On the 15th January, thirteen days after the arrival of Tippoo Sultan in his father's camp, and his unopposed accession to the government, the English army made its first march, for the purpose of conveying provisions to Tripassore, its first intermediate depôt; and it was not till thirty-four days after the arrival of Tippoo Sultan, and sixty days after the death of Hyder Ali, that any step of importance was taken towards the attainment of the objects of the campaign.

General Stuart was well disposed to assume the extraordinary powers which had been exercised by Sir Eyre Coote; but he had no pretence for claiming them, and Lord Macartney was naturally indisposed to yield to his desire for absolute authority. He accordingly assumed the direction of all military measures, leaving to the general only the duty of executing them. In one of the plans most early acted upon, both the governor and General Stuart concurred. It was that for the destruction of the forts of Carangoly and Wandewash; a proceeding severely condemned by the government of Bengal, and by almost every individual who has passed a judgment upon it.

Two events now occurred, calculated to dispirit the English and give confidence to their enemies. Sir Eyre Coote, having improved in health, returned to Madras in the Company's armed ship *Resolution*.

CHAP. XI. which bore also a large supply of money. Towards the close of the voyage the *Resolution* was chased during two days and nights by a French ship of the line. The anxiety of the general kept him constantly on deck, where the excessive heat of the day and the heavy damps of the night, combined with the agitation consequent on the circumstances of the voyage, gave to his enfeebled frame a shock from which nature was unable to recover. The ship arrived in safety at Madras, and two days afterwards Sir Eyre Coote expired.*

The other event referred to was the arrival of M. Bussy, to take the command of the French troops in India, accompanied by reinforcements from the Isle of France. General Stuart had taken up a position to the south of Cuddalore: M. Bussy took his on a spot not far distant, and began to erect field-works, with great skill and rapidity. Here he was attacked
A. D. 1783. by the English, on the 13th of June, with success, part of the French works being carried, and several of their guns taken. On the day on which this conflict took place, the fleet under M. Suffrein made its appearance, and a few days afterwards, having received on board twelve hundred men from the force under M. Bussy, an action with the English fleet took place. The fight was maintained with much spirit, and closed

* Sir Eyre Coote commanded in an eminent degree the respect and affection of the Native troops. Colonel Wilks states that the portrait of Sir Eyre Coote was hung up in the Exchange at Madras, and that no sepoy who had served under him ever entered the room without making his obeisance to Coote Bahadur.

at night in the accustomed manner; both parties being severely crippled, while neither had gained any decided advantage. On the following day Sir Edward Hughes sought to renew the battle, but in vain, and being unable, from the state of his ships and the want of water, to remain where he was, he reluctantly bore away for the Madras roads. M. Suffrein now returned the twelve hundred men, who had been furnished by M. Bussy, and landed from the fleet two thousand four hundred more. Thus strengthened, the French general, on the 25th of June, made a vigorous sortie with his best troops. The attack on the English trenches was pushed with vigour, but not a single point was forced, and the French sustained a heavy loss.*

* An incident connected with this attack, and which, in addition to the interest derived from its romantic character, merits notice, from the historical reputation of one of the parties, is thus related by Colonel Wilks: "Among the wounded prisoners was a young French serjeant, who so particularly attracted the notice of Colonel Wangenheim, commandant of the Hanoverian troops in the English service, by his interesting appearance and manners, that he ordered the young man to be conveyed to his own tents, where he was treated with attention and kindness until his recovery and release. Many years afterwards, when the French army, under Bernadotte, entered Hanover, General Wangenheim, among others, attended the levee of the conqueror. 'You have served a great deal,' said Bernadotte, on his being presented, 'and, as I understand, in India.' 'I have served there.' 'At Cuddalore?' 'I was there.' 'Have you any recollection of a wounded serjeant whom you took under your protection in the course of that service?' The circumstance was not immediately present to the general's mind; but on recollection, he resumed: 'I do, indeed, remember the circumstance, and a very fine young man he was. I have entirely lost sight of him ever since; but it would give

CHAP. XI.

A. D. 1783.

A brief retrospect of the progress of the war on the western side of India during the year 1783 will now be expedient. On the news of the advance of Tippoo Sultan, the government of Bombay had dispatched General Mathews with a force for the relief of Colonel Humberstone, at Paniani. Tippoo Sultan had withdrawn before his arrival, and several places of some importance fell almost without resistance into the hands of the English. On becoming acquainted with the death of Hyder Ali, the government of Bombay sent positive orders to General Mathews to discontinue all operations on the coast, and make an immediate push for Bednore. According to almost invariable practice, the general and the government under which he acted took different views. He protested against the orders which he had received, but proceeded to execute them with promptness, almost amounting to precipitation. Bednore surrendered on terms; Mangalore, and some other places, also yielded on capitulation; but a few it was necessary to carry by the sword. Among the latter was Anantpore, where the English assailants were accused of having acted with great barbarity. A large part of the enormities ascribed

me pleasure to hear of his welfare.' 'That young serjeant,' said Bernadotte, 'was the person who has now the honour to address you, who is happy in this public opportunity of acknowledging the obligation, and will omit no means within his power of testifying his gratitude to General Wangenheim.'" The serjeant had become one of the most distinguished of the generals of France—it is almost unnecessary to remind the reader that he subsequently attained the exercise of sovereign power in Sweden.

to them were absolutely false; a portion, which seems, unhappily, to be true, is ascribable to a conflict of authorities, arising out of the unsettled circumstances of the times, which led the English to believe that they were subjected to treachery.*

Bednore was retained by the English about three months. Tippoo Sultan returned from the Carnatic with a force which General Mathews was in no condition to resist; and on the 3rd of May the English garrison marched out of Bednore, on conditions dictated by the conqueror. These conditions Tippoo Sultan found a pretext for violating, and having charged the English officers with enriching themselves by the plunder of the public treasury, he marched them off in irons to distant places.†

The next effort of Tippoo Sultan was directed to the reduction of Mangalore. It was ably defended by Colonel Campbell, and after sustaining a protracted siege, was unexpectedly relieved from a part of the besieging force by the arrival of news of the

* A story, for some time believed, and which has found a permanent record in the Annual Register of 1783, of the massacre of four hundred beautiful women, has not the slightest foundation in truth.

† A minute investigation of this charge would occupy much space without any adequate advantage. The native governor of Bednore had certainly provided amply for himself out of its treasury, though he lost a large part of his acquisitions in his flight from his master. It was pretty generally believed that General Mathews was not indisposed to improve his fortune; but that officer, in a memorandum drawn up during his captivity, declared the government indebted to him for advances from his private resources, to the amount of 33,000 rupees.

CHAP. XI. conclusion of peace between England and France. It is said that the communication of this intelligence was deferred for ten days, during which the siege was hotly pressed. Tippoo Sultan was bewildered by the loss of his European friends, and not knowing what to do, consented to an armistice, extending to Mangalore, Onore, and the British forts in Malabar.

On the eastern side of India, the intelligence of peace in Europe arrived immediately after the unsuccessful sally made by M. Bussy on the English. But peace between the conflicting authorities of Madras there was none. General Stuart, always anxious to possess the extensive powers enjoyed by his predecessor, had requested that a corps under Colonel Fullarton should be placed under his orders. The application was complied with reluctantly, and the general was enjoined not to use the discretionary power with which he was invested, except in case of urgent necessity. Such a case, he alleged, occurred, and he instructed Colonel Fullarton to move towards him. The government, at the same time, issued orders directing Colonel Fullarton to move in a different direction. Embarrassed by these contradictory instructions—one set emanating from the civil authority, which he was at all times bound to obey, another from the chief military authority, who had a right to command him in case of emergency—Colonel Fullarton had only to make choice of whom he should disobey. He chose to violate the instructions of his government; and probably he did

well, acting on the presumption that General Stuart would not require his services if they were not necessary. But the conduct of General Stuart, on this and various other occasions, had given great offence at the presidency, and he was summoned to repair thither to explain or justify his disobedience. He manifested no more alacrity in obeying this than former orders from the same authority, but at last proceeded to Madras, where the various points of dispute were fiercely discussed. Finally, the governor proposed the dismissal of the general, and the other members of committee concurred. The denounced officer, however, avowed his determination to retain the command of the king's troops, notwithstanding the decision of the government; and Sir John Burgoyne, the second officer in rank, declared that he should obey the orders of General Stuart. The dispute was cut short by the government arresting General Stuart, and detaining him as a prisoner till an opportunity offered for his proceeding to England. It is remarkable that the officer, against whom the government of Madras felt necessitated to adopt a measure so severe, should have been the same who, some years before, had executed the revolutionary orders of the majority in council, by arresting the then governor of Madras, Lord Pigot.*

* The singular fortune of General Stuart is said to have called into action all the light wit that Madras could muster in the manufacture of epigrams. The second son of Mahomet Ali is reported to have recorded his view of the affair in the best English which he could command.

CHAP. XI.

By the terms of the armistice concluded with Tippoo Sultan, on the western side of India, arrangements were made for the periodical supply of Mangalore with provisions. These arrangements were rendered ineffective by the most scandalous evasions on the part of the besiegers, who continued moreover to carry on their works without respect to the engagements subsisting between them and the besieged. Relief was anxiously expected in Mangalore from Bombay; but from some causes, which it is difficult satisfactorily to explain, nothing effective was done. This supineness has been ascribed to respect for an article in the preliminaries between England and France, in which it was stipulated that four months should be allowed to the belligerent powers of Hindostan to accede to the pacification. The government of Madras gave notice of this article to Tippoo Sultan's political agent, and thought fit to date the commencement of the period of four
A.D. 1783. months from the 2nd of August. A singular liberality was displayed in fixing this date, as Tippoo Sultan had acknowledged being acquainted with the peace twenty-four days before the 2nd of August, and it was believed that his knowledge might have been dated ten days earlier without inflicting on him any wrong. But it is of little importance to argue when the four months allowed to the Indian belligerents for consideration ought, in reason, to have commenced, for Tippoo Sultan did not at any time abstain from hostile proceedings—he disregarded alike the general stipulation contained in the

preliminaries between England and France, and the special convention concluded with himself. It was absurd to suppose that one party should be bound by conditions which the other set at naught—that the English were to abstain from means of defence as well as of offence during four months, while Tippoo Sultan was at liberty to prepare, unchecked, measures for their destruction; but into this absurdity the British authorities on the western side of India fell. Even when the sacred four months expired they were not prepared effectually to relieve Mangalore. On the day which, according to their own view, found them at liberty to act vigorously, they were unprovided with the means of succouring the place. On the 1st of December a squadron was off Mangalore, but they were destitute of water, and all but one ship departed on that day; that solitary one, on board of which was Brigadier-general Macleod, following on the 2nd. Some inadequate supplies were subsequently thrown in, but they appear to have passed under the provisions of the armistice with Tippoo Sultan, which he was every hour breaking. At length the distress of the garrison became extreme. The salt meat was uneatable, the biscuit swarmed with vermin, and sea scurvy, the consequence of this loathsome and unwholesome food, raged throughout the garrison. The sepoys had neither salt nor condiment of any kind; blindness, alleged to proceed from the consumption of rice without any antiseptic addition, seized vast numbers. Two-thirds of the garrison

CHAP. XI.

A.D. 1784.

were in hospital, and it was not unusual for the men to drop down on parade in the vain endeavour to shoulder arms. On the 23rd of January it seemed impossible longer to protract this state of suffering with any adequate advantage. Negotiation was opened; on the 26th, articles of capitulation were agreed upon, but not signed till the 30th. In the interval, Colonel Gordon arrived with two ships containing a month's provisions. Had these arrived earlier the siege might have been prolonged; but now the articles were agreed upon, though not signed, and Colonel Campbell would not recede from that to which his faith was pledged. The garrison were permitted to march to Tellichery with arms, acoutrements, and the honours of war. The gallant officer who, after nobly defending for many months a place of no great strength against a vast army, had, on its surrender, obtained for himself and his men terms rarely granted, did not long survive the fatigues and anxiety to which he had been subjected: he died on the 23rd of March, in the same year.

About the middle of October, Colonel Fullarton, who, after his march in the direction of General Stuart's army, had returned to the southward, received intelligence of the insolent violation of the convention of Mangalore, and he in consequence moved on to Paligaut, with a view to effect a junction with a force commanded by General Macleod. Paligaut sustained a short and vigorous siege, but fell suddenly and unexpectedly. Captain Maitland,

being on duty in the trenches, took advantage of a heavy fall of rain to drive the enemy from the covered way which was not palisaded, and pursuing the fugitives through the first and second gateway, the garrison were struck with panic, and immediately surrendered.

The anticipated co-operation of General Macleod in the relief of Mangalore it was found could not be obtained. Tellichery, which was relied upon for provisions and stores, could afford neither; the troops under General Macleod could not be furnished with field equipage in less than two months, and the state of the country presented insurmountable difficulties in the way of a rapid advance. Colonel Fullarton had therefore to determine on a new course, and with a view to the ultimate expediency of advancing on Seringapatam, where it was understood disaffection prevailed, he proceeded to the capital of Coimbatore. Here his progress was arrested by instructions from commissioners proceeding to the court of Tippoo Sultan to negotiate. These instructions required the colonel not only to suspend his operations, but to abandon all his conquests and to retire within the limits possessed by the English on the 26th of the preceding July. Such instructions were, to say the least, prematurely given —they were founded on an assumption "that the cessation of arms appeared to have been disturbed in partial instances by accidental circumstances, and without any authority from government on either side," when it was notorious that it had been sys-

CHAP. XI.

tematically violated by Tippoo Sultan himself. It is inconsistent with the ordinary duty of a soldier to inquire whether he will obey lawful orders or not, and to exercise a discretion which is not entrusted to him. Colonel Fullarton departed so far from general rule as to determine, while yielding obedience to that part of his recent instructions which required him to suspend further operations, to abstain from carrying into effect the remainder, and he expressed his intention to retain all his conquests till the receipt of further orders. In extenuation of this irregularity, it is to be urged that he knew the orders which had been conveyed to him to have originated either in a gross ignorance of facts or in gross weakness.

The commissioners entered on their duties, and there was apparently not much difference in the views of the opposite negotiators. Mutual restitution was to be the basis of peace, but the order in which the restitutions were to take place gave rise to much discussion. The English proposed that all places captured by either party to the eastward of the Ghauts should in the first instance be restored; that the release of all the English prisoners should then follow; and finally, on the English being satisfied that this condition had been faithfully executed, that exchanges of all places captured on the western coast should be made. Mangalore had not yet fallen, and the agents of Tippoo Sultan demanded that its surrender should precede the release of the English

prisoners, pledging their faith for the due fulfilment of the latter provision. The first commissioner, Mr. Sadleir, was ready to assent to this arrangement; the second, Mr. Staunton, had no such confidence in the good faith of Tippoo Sultan, and he refused to comply. In this situation, the question could only be decided by a reference to government, and its decision was most properly given in favour of the opinion of Mr. Staunton. At the same time, a third member, Mr. Huddleston, was added to the commission. In this instance the government acted wisely; they subsequently acted weakly. They resolved to enforce the orders of the commissioners for Colonel Fullarton to abandon his conquests, and retire within the limits prescribed by his previous instructions: Colonel Fullarton obeyed. On his march, he met the celebrated missionary, Swartz, who had been requested to assist the commissioners in the capacity of an interpreter, and was on his way, for the purpose of entering on this duty. Even this single-minded and peaceful man could not refrain from expressing his astonishment at the orders given to Colonel Fullarton. "And is the peace so certain," said he, "that you quit all before the negotiation is ended? The possession of these rich countries would have kept Tippoo in awe, and inclined him to reasonable terms. But you quit the reins, and how will you manage the beast?" The Colonel could only answer, "I cannot help it." It yet remained for the government to bear witness against its own folly, credulity, and precipitancy, and this was done.

CHAP. XI. Colonel Fullarton had not entirely fulfilled his former orders, when he received counter-orders, requiring him to retain possession of all that had not previously been given up, until he received further instructions.

The commissioners had hitherto treated only with Tippoo Sultan's servants at a distance from their master. In their progress towards the camp of the Mysorean chief, they were subjected to every inconvenience and indignity which could be devised. They were conducted by routes almost impassable, and several of their camels perished. Their journey was so regulated as to keep pace with the progress of famine at Mangalore, and when only twenty miles distant from that place, they were met by a letter from the Sultan, informing them that, at the earnest desire of Colonel Campbell, he had agreed to take charge of the fort. Arrived in the camp of the insolent Mahometan, the tent of each of the commissioners was graced by the erection of a gibbet in its front. Their communications with their countrymen in the ships lying in the roads were placed under restraint; and the commissioners learned that several British prisoners, including General Mathews, had been murdered by the tyrant, into whose power they had fallen. It was not unnatural that they should become apprehensive that the gibbets were erected with intentions beyond that of mere insult.*

* It has been reported that the commissioners meditated escape, for which they could not incur much blame; but the circumstances

It would be both tedious and useless to pursue the course of the negotiation through all its tortuous

under which the design was entertained are said to have been extraordinary. A narrative of them is given by Colonel Wilks; but as the official records of the time contain no account of the transaction, it has not been thought proper to insert any part of the details in the text. The subject, however, is too curious to be altogether passed over, and the following account is stated by Colonel Wilks to rest "on high and incontrovertible authority," living at the time of the publication of his second volume (June, 1817). That authority is understood to have been Sir Thomas Dallas, the commander of the commissioners' escort. "Mr. Swartz, the interpreter provided for the commissioners, was forcibly prevented from joining them; neither they nor any of their diplomatic suite understood either of the country languages; and the native interpreter, Vencaty Rangia, was one day taken ill, and unable to officiate. Under these circumstances, the commissioners had recourse to a menial servant of the officer commanding the escort, to be the medium between the two states in this important diplomacy. On the evening of the same day this man came to his master's tent in the greatest apparent alarm, said that he had intelligence of the most urgent importance to communicate, and even begged that the candles might be extinguished to prevent observation. These precautions being taken, he proceeded to relate that, after being kept standing for several hours interpreting between the commissioners and Tippoo's ministers, finding himself much fatigued, he lay down without the tent wall; and after the dismission of strangers, and the retirement of the senior commissioner, he heard the two other commissioners discussing and arranging a plan for removing on board ship, where they would have at least the advantage of personal safety in conducting their negotiations: the arrangements for embarkation were to be conducted with the utmost secrecy, and to be adjusted on the ensuing day by the surgeon, Mr. Falconer, by means of a pretext for getting on ship-board, which was also related. The first commissioner was only to be apprized of it by their calling at his tent on their way to the boat, and giving him the option of accompanying them; the escort and attendants were to be left to their fate, and the only persons in the secret were to be the two

CHAP. XI.

windings. It may suffice to say that as the arrogance and insolence of Tippoo Sultan had been encouraged

commissioners and Mr. Falconer (the memory of the living narrator does not enable him to state whether the secretary was also included). A faithful service of many years and a considerable portion of sagacity gave weight to the statement of the servant, and the master retired to rest, and to reflect on what was proper to be done. The next morning, at breakfast, Mr. Falconer appeared to be suddenly taken ill; it was necessary that he should be sent on ship-board to be bled. A boat was applied for and obtained for this special urgency, and he embarked. All this minutely accorded with the plan reported by the servant on the preceding night. The officer distinctly saw the first part of the project in operation, and immediately after breakfast assembled the military officers of the escort, consisting of four besides himself, including the aid-de-camp of the commissioners. He apprized them of all the facts with which he was acquainted; stated his own determination not to desert his men; but observed to them that the case was peculiar and nearly hopeless; that they were all bound by ties of affinity or of friendship to one or other of the commissioners, and that in circumstances so desperate he should exact no military obedience, but leave to each the free option of acting as he should think expedient. All instantly declared their determination to adhere to their duty and obey his orders, whatever they might be. He awaited the return of the surgeon in the evening, and the following conversation ensued:—

Officer.—Well, Falconer, how has the bleeding answered? I hope you feel better?

F.—Very much better; I was so sea-sick going on board, that bleeding was found unnecessary.

Officer.—I am glad to hear that you are so much recovered; but when does the boat come on shore to carry off the commissioners?

F. (turning pale).—What boat?

Officer.—I could not have suspected you of active concurrence in a plan for deserting your friends.

F.—In God's name, how came you acquainted with it?

Officer.—That's another affair—it is enough for you that I know it (and then recited the particulars of the plan).

by the timid submission of the Madras government, so the indications of a bolder policy led to different

F.—It is too true, and I have arranged with Captain Scott, but I am not at liberty to tell you the particular time.

Officer.—Then you may proceed, if you choose, to the commissioners, and report to them, as the sequel of your arrangement, that I am here to obey all their lawful orders, but also to do my duty to the troops committed to my protection. If there be any embarkation, I hope to see the last private into the boats; but my sentinels have orders to give me precise information, and I have a party saddled in the lines ready to seize as a deserter any and every person who shall attempt a clandestine escape.

"The surgeon departed, and shortly afterwards the officer commanding the escort was sent for, and privately assured by the second commissioner that there was no intention of effecting an escape, or of any person going on board ship."—Wilks' Sketches, vol. ii. pages 515—517.

Such is the account given by Colonel Wilks, on the authority of a distinguished officer who was on the spot at the time when the alleged facts occurred, and who believed himself to have been the instrument of defeating the design of escape. It is proper, however, to add, that the accuracy of the report has been impugned by one of the parties affected by it. Mr. Hudleston, after retiring from service in India, had attained the office of a director of the East-India Company. The statement of Colonel Wilks excited considerable attention among those taking an interest in Indian affairs, which was extended even beyond that circle by the pointed notice taken of the subject in one of the leading reviews. At a general court of the Proprietors of the East-India Company, held on the 18th of March, 1818, Mr. Hume referred to the charge, and expressed a hope that Mr. Hudleston would be able to repel it. Mr. Hudleston was not then an actual member of the Court of Directors, the discussion having occurred during his quadrennial year of exclusion from office, under the provisions of the law; but the annual election was approaching, and it had been alleged that, if he could not rebut the charge, he was unfit to be re-elected. To meet the immediate danger, Mr. Hudleston, in general court, publicly denied the truth of the charge, and promised to prepare, in due time, a detailed refutation. Before this was completed, a

CHAP. XI. A.D. 1784.

results. On the 11th of May the long pending treaty was signed. It was based on the principle of

letter from Sir Thomas Dallas appeared in the Asiatic Journal (May, 1818), avowing himself to be the informant of Colonel Wilks, and repeating the statement contained in the History. At a general court, held on the 17th June, Mr. Hudleston's defence, which had been transmitted to the Court of Directors about a fortnight before, was read. It was of extraordinary length, but the principal points of defence were the following. To shew the improbability of the story told to Sir Thomas Dallas by his native servant, Mr. Hudleston stated that the only tent in which the servant could have been interpreting, or the commissioners negotiating, was Tippoo Sultan's public durbar tent, and he argued that this was not a place to prepare a secret plot. He represented the improbability of the first commissioner, Mr. Sadleir, being kept in ignorance of such a plot if it had existed, and referred to a letter addressed to Captain Scott, commander of a ship in the Mangalore Roads, which was signed by the first commissioner, which letter adverted to a signal to be made on shore, for a purpose widely different from an escape of the commissioners, but which, it appeared, General Macleod, who had become acquainted with the report of an intended escape, had supposed to refer to such a design. Although it had been stated that the plan was a matter of general conversation at Madras, Mr. Hudleston denied that he had ever heard of it. In addition to these points, Mr. Hudleston diverged into many others little connected with the main charge. He defended the peace which had been negotiated by the commissioners, affirmed that he and his colleagues had been treated by Tippoo Sultan with great courtesy, and revived an explanation, which had been given many years before, of the erection of the gibbets, which, he said, were raised not to strike terror into the commissioners, but for the use of some rebellious subjects of Tippoo Sultan, who had thereon expiated their crimes. On the 16th of December the subject came once more under the notice of the general court, and a vote of continued confidence in Mr. Hudleston was passed unanimously, he having, in April, been re-elected a director without opposition. But the discussions in the courts of the East-India Company formed only a portion of the controversy. Sir Thomas Dallas published a second letter in

a restitution of conquests, but no compensation was obtained for the atrocious treatment of the English

the Asiatic Journal for October, 1818, in which he claimed to have exercised "much thankless forbearance," and complained of Mr. Hudleston's "unaccountable want of memory on some points, his minute and diffuse recollections on others, and the strange licence he had given to his pen." In this letter, Sir Thomas Dallas denied that all the negotiations of the commissioners took place in Tippoo Sultan's tent; and affirmed (on the authority of General Macalister, lieutenant and adjutant of the escort, as well as on his own), that they were usually carried on either in another tent, in Tippoo Sultan's camp, or in the public tent of the commissioners. He defended the character of his native servant, and shewed how his statement was corroborated by Sir Thomas Dallas's subsequent conversation with Mr. Falconer: he quoted the testimony of Colonel Bruce that he had heard several times from Mr. Collins Jackson, secretary to the commissioners, a statement corresponding, to the best of his recollection, with that of Colonel Wilks; and he referred to a work, entitled "Memoirs of the War in Asia," first published in 1788, and passing through a second edition in the succeeding year, in which the following passage occurred: "The commissioners, now apprehensive of falling, like so many of their countrymen at Bidenen, by poison, formed a project to leave their numerous train behind them, and make their escape to Tellicherry. The project miscarried, and they continued in the state of imprisoned men, labouring for their own extrication from imminent danger." Colonel Wilks also published a letter, in which, among other statements, he alleged that, before the publication of his history, he had endeavoured to obtain an interview with Mr. Hudleston, with a view to procure information on various points, but in vain, Mr. Hudleston declining on account of his want of memory, and referring him to another person. Finally, Mr. Hudleston addressed to the editor of the Asiatic Journal (December, 1818) a letter, occupying thirteen closely printed pages, in small type, in which he maintains that the negotiations were always conducted in Tippoo Sultan's tent, with the *ministers* of that prince, but states that certain communications were interchanged with persons called *vakeels*, in other places; and he affirms that he was ignorant of the passage quoted from the

CHAP. XI.

prisoners by Tippoo Sultan. Hyder Ali had treated them with a cruelty which manifested an utter disregard to the preservation of their lives: Tippoo Sultan did not hesitate to employ direct means to deprive them of existence. Captain Rumley, who led the charge against Tippoo's guns on the fatal day of Colonel Baillie's defeat; Lieutenant Fraser, one of that officer's staff; Lieutenant Sampson, a gallant officer, whose name is yet remembered among the Mahrattas; General Mathews, and many of the officers taken at Bednore, all perished in captivity, and not from natural causes. But the British govern-

" Memoirs of the War in Asia," and even of the existence of such a work. So diffuse are the papers which this controversy called forth, that it is impossible to present even a complete abstract of their contents, without occupying a space altogether disproportioned to the importance of the subject. Those who desire to enter minutely into the subject, will find all the documents in the Asiatic Journal, vols. v., vi., and vii. Stripped of the *verbiage* in which the matter is involved, the leading points appear to be these:—A native servant informs his master, Sir Thomas Dallas, that he has learned that two persons, Mr. Staunton and Mr. Hudleston, meditated a certain act; and that a third, Mr. Falconer, the surgeon, is confidentially employed in assisting them. Sir Thomas Dallas relates this to Mr. Falconer, who admits it to be true; and the truth of the statement is further confirmed by one of the other parties. Mr. Staunton subsequently sending for Sir Thomas Dallas, and without any inquiry as to the origin of this officer's extraordinary suspicions, or any preparation for so extraordinary an assurance, informs him that the commissioners did not contemplate escape or removal, for it appears uncertain which word was used. Such is the case for Colonel Wilks and his informant. On the other side is the solemn declaration of Mr. Hudleston, that no such step as that charged upon the commissioners was even thought of. The reader must decide the question for himself.

ment were too eager for peace to inquire rigidly into such matters, and too weak to protract hostilities in the hope of avenging them.

Between the governor-general and Lord Macartney there had never been much cordiality of feeling, and the difficulties in which the government of Madras was placed tended to multiply the points of difference. The governor-general had a plan for surrendering to the Nizam the northern circars, in consideration of a body of cavalry to be furnished by that prince. This was opposed by Lord Macartney, and was never carried into effect. Lord Macartney had, with much difficulty, obtained from the Nabob of Arcot an assignment of the revenues of the Carnatic for the support of the war. This was disapproved by the government of Bengal, and the assignment ordered to be rescinded. Before these orders were received at Madras, orders of a contrary character arrived from the Court of Directors. The government of Bengal, however, stubbornly refused to yield, and Lord Macartney was equally immovable. The treaty with Tippoo Sultan afforded other grounds of difference. It was disapproved by the government of Bengal, among other reasons, because it did not include the Nabob of Arcot; and a new ratification, declaring it to extend to that personage, was directed to take place. Lord Macartney again resisted; and had the governor-general possessed confidence in the stability of his own authority, some violent measures might have resulted from these disputes. But Hastings was now totter-

CHAP. XI.

ing in his seat—heavy charges were in circulation against him in England, and he had dispatched an agent thither for the defence of his character and interests.* The influence of Lord Macartney at home appeared to be rising as that of Hastings was declining; he continued to exercise his authority without impediment, until, in consequence chiefly of the revocation of the orders of the Court of Directors relating to the assignment from Mahomet Ali, he voluntarily relinquished it, and was ultimately appointed to succeed to the office of governor-general.

* Major Scott.

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